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19 October 1977

TRANSLATIONS ON EASTERN EUROPE
POLITICAL, SOCIOLOGICAL, AND MILITARY AFFAIRS
No. 1463

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19 October 1977

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GDR-MPR AGREEMENT ON ELIMINATING DUAL CITIZENSHIP PUBLISHED

East Berlin GESETZBLATT DER DEUTSCHEN DEMOKRATISCHEN REPUBLIK in German
Part II No 13, 22 Aug 77 pp 276-277

[GDR Council of State ratification announcement, dated 5 July 1977, and text of "Agreement Between the GDR and MPR on Elimination of Existing Cases and Prevention of Future Cases of Dual Citizenship," dated 6 May 1977. The Mongolian language version of the agreement is published on pages 277-279 of source]

[Text] Announcement on the Ratification of the Agreement of 6 May 1977
Between the German Democratic Republic and the Mongolian People's
Republic on the Elimination of Existing Cases and Prevention of
Future Cases of Dual Citizenship of 5 July 1977

On 28 June 1977 the Council of State of the German Democratic Republic ratified the following agreement of 6 May 1977 between the German Democratic Republic and the Mongolian People's Republic for the elimination of existing cases and prevention of future cases of dual citizenship.

The day on which the agreement takes effect as per article 15 paragraph 1 will be published in the GESETZBLATT DER DEUTSCHEN DEMOKRATISCHEN REPUBLIK..

Berlin, 5 July 1977

The Secretary of the Council of State of
the German Democratic Republic

H. Eichler

Agreement Between the German Democratic Republic and the Mongolian People's Republic on the Elimination of Existing Cases and the Prevention of Future Cases of Dual Citizenship

In consideration of the fact that some persons are regarded as citizens by both contracting parties in accordance with their legislation and

Motivated by the desire to eliminate the dual citizenship of these persons by voluntary choice and to prevent any future cases of dual citizenship

The German Democratic Republic and the Mongolian People's Republic have decided to conclude this agreement.

Nominated as plenipotentiaries for this purpose were:

Oskar Fischer, minister for foreign affairs of the German Democratic Republic, by the Council of State of the German Democratic Republic,

Mangalyn Dugersuren, minister for foreign affairs of the Mongolian People's Republic,

who have agreed the following:

Section I--Elimination of Dual Citizenship

Article I

(1) Persons considered citizens by both contracting parties in accordance with their respective legislation may, as per the provisions of this agreement, choose the citizenship of one of the two contracting parties by submitting a written declaration to that effect.

(2) The declaration on the choice of citizenship must be submitted in writing (in duplicate) to the authorized organ of the contracting party the citizenship of which was chosen within 1 year from the day this agreement takes effect.

(3) The persons mentioned in paragraph 1 deliver the declaration on their choice of citizenship

- a) At the organ authorized for their residence if they choose the citizenship of the contracting party on the territory of which they are resident;
- b) At the diplomatic representation or the competent consulate of the other contracting party if they are resident on the territory of one contracting party and choose the citizenship of the other contracting party;
- c) At the diplomatic representation or competent consulate of the contracting party the citizenship of which they have chosen, if they are resident on the territory of a third country.

(4) The written declaration must be drawn up in accordance with the legal regulations of the contracting party of which the citizenship was chosen.

Article 2

Only persons who are of age are entitled to declare their choice of citizenship. Of age in this meaning are persons who have completed their 18th year and persons who, as per the legislation of one of the contracting parties, exercise the rights of someone who is of age.

Article 3

(1) Persons who fail to make a declaration of their choice of citizenship as per article 1 will keep the citizenship of the contracting party on the territory of which they reside on the last day such choice may be exercised.

(2) Persons who have failed to make a declaration on their choice of citizenship and reside on the territory of a third country, will keep the citizenship of the contracting party on the territory of which they resided before taking up residence abroad.

Article 4

In the case of minor children who are born before the agreement takes effect and hold dual citizenship in both contracting parties, the parents may, at any time within 1 year from the day the agreement takes effect, choose the citizenship of one of the contracting parties by submitting a joint written declaration (in duplicate) to the organs listed in article 1 paragraph 3. The consent of minors to the parents' declaration on the choice of citizenship is governed by the legislation of the contracting party the citizenship of which was chosen.

Article 5

(1) If parents of minor children fail to make a declaration on the choice of citizenship as per article 4, these children retain the citizenship of the contracting party on the territory of which they reside on the day of expiration of the date mentioned in article 4.

(2) Minor children residing on the territory of a third country and whose parents have failed to make the declaration on the choice of citizenship as per article 4, retain the citizenship of the contracting party on the territory of which the parents jointly resided before taking up residence in the third country. If the parents did not have a joint residence on the territory of one of the contracting parties, the child retains the mother's citizenship.

(3) Minor children whose parents are not married to one another and for whom no declaration as per article 4 was made, retain the citizenship held by the parent who has custody.

(4) Minor children whose parents are deceased or their whereabouts unknown, or whose parents were deprived of custody, retain the citizenship of the contracting party on the territory of which they are resident on the day the term mentioned in article 4 expires.

(5) Minor children retain the citizenship of the contracting party held by one parent if the other parent is deceased or his/her whereabouts are unknown on the day the term mentioned in article 4 expires, or if the other parent was deprived of custody.

Article 6

The declaration is not legally binding if the contracting party to which the declaration on the choice of citizenship was made should find that the person who made the declaration or the minor child on whose behalf the declaration was made, is no citizen.

Section II

Prevention of Dual Citizenship

Article 7

(1) If one parent is citizen of one, the other parent citizen of the other contracting party, these parents may choose the citizenship of one of the contracting parties for any child born after the day this agreement takes effect.

(2) Parents must choose the child's citizenship within 6 months from the date of birth by a joint written declaration on the choice of citizenship (in duplicate) submitted to the competent organ of the contracting party the citizenship of which is chosen.

Article 8

Competent for the receipt of declarations on the choice of citizenship as per article 7 are:

- a) The organs competent for the residence of the parents if the citizenship of that contracting party is chosen on the territory of which the parents are resident;
- b) The diplomatic representation or the competent consulate of the contracting party the citizenship of which is chosen, if the parents reside on the territory of the other contracting party or on the territory of a third country;
- c) The organs competent for the residence of the mother if one parent resides on the territory of the one and the other parent on the territory of the other contracting party.

Article 9

(1) A child whose parents failed to make a declaration on the choice of citizenship retains

- a) The citizenship of that party on the territory of which it was born;
- b) If born on the territory of a third country the citizenship of that contracting party on the territory of which the parents resided before taking up residence in the third country. If the parents were not domiciled on the territory of one of the contracting parties, the child retains the citizenship held by the mother. If the mother was deprived of custody the child retains the same citizenship as the father;
- c) The citizenship of the contracting party held by the parent who has custody if the parents are not married to one another.

(2) A child retains the citizenship held by one parent if the other parent has died by the day the term mentioned in article 7 paragraph 2 expires, or if the other parent's whereabouts are unknown on that date, or if he/she was deprived of custody.

(3) A child whose parents are deceased or their whereabouts unknown or whose parents were deprived of custody, retains the citizenship of that contracting party on the territory of which it resides on the day the term mentioned in article 7 paragraph 2 expires.

Section III

General Provisions

Article 10

(1) People who, as per this agreement, made a declaration on the choice of citizenship or on whose behalf such a declaration was made, retain only the citizenship of the contracting party chosen from the day of the declaration.

(2) Persons who failed to make a declaration on the choice of citizenship or on whose behalf no such declaration was made, retain (after the lapse of the periods mentioned in article 1 paragraph 2, article 4 and article 7 paragraph 2) only the citizenship of one of the contracting parties in accordance with the provisions of this treaty.

Article 11

(1) The contracting parties will convey to each other by diplomatic channels:

- a) In the first and third quarter of every year registers of children on whose behalf declarations on the choice of citizenship were made as per the provisions of article 7;
- b) In the course of 18 months from the day this agreement takes effect registers of persons who, as per the provisions of articles 1 and 4, made declarations on the choice of citizenship or on whose behalf such declarations were made.

(2) The registers mentioned in paragraph 1 will be accompanied by one copy each of the declarations on the choice of citizenship.

Article 12

From the day this agreement takes effect the competent organs of each of the contracting parties will make the issue of citizenship to persons holding the citizenship of the other contracting party dependent on the submission of a document on dismissal from citizenship as per the legislation of this contracting party.

Article 13

(1) Declarations on the choice of citizenship lodged as per this agreement are free of charge.

(2) The competent organs of the contracting parties will prepare a standardized model for the declaration on the choice of citizenship.

Article 14

Questions arising between the contracting parties in connection with the application and interpretation of this agreement will be dealt with by diplomatic channels.

Article 15

(1) This agreement requires ratification and will take effect at the end of 30 days, calculated from the day of the exchange of the ratification documents, which will take place in Ulan Bator.

(2) This agreement is concluded for an indeterminate period. It may be terminated by notification by either of the contracting parties. In that case the agreement loses effect at the end of 6 months, calculated from the day of termination.

(3) The agreement will be published by the contracting parties.

This agreement was executed in Berlin on 6 May 1977 in two copies, one in the German, the other in the Mongolian language; both texts are equally valid.

In evidence thereof the plenipotentiaries of the contracting parties have signed and sealed this agreement.

On behalf of the
German Democratic Republic

Oskar Fischer

On behalf of the
Mongolian People's Republic

Mangalyn Dugersuren

11698

CSO: 2300

INTERNATIONAL AFFAIRS

BRIEFS

CEMA PREPARES CENSUS--The International Conference of Statistics Experts from the CEMA member countries, attended by delegations from Bulgaria, the CSSR, Hungary, Mongolia, the GDR, Poland, Cuba, Romania, the USSR and a representative of the CEMA Secretariat, and dealing with certain questions connected with the preparations for the 1980 census, was opened on Tuesday in Smolenice, Slovakia. Statistics experts from Finland and a representative of the EEC Secretariat are also present. [Prague RUDE PRAVO in Czech 7 Sep 77 p 2 AU]

PARTY PROPAGANDISTS VISITED USSR--A delegation of CPCZ officials, led by O. Cmolik, head of a CPCZ Central Committee department, visited the USSR on 19-24 September. The delegation acquainted itself with the CPSU's experience in directing the instruments of mass information and propaganda. [Prague MLADA FRONTA in Czech 26 Sep 77 p 3 AU]

MINISTER PUCEK TO USSR--CSSR minister of metallurgy and heavy engineering Zdenek Pucek left for the USSR on 26 September at the invitation of Soviet ferrous metallurgy minister Ivan Kazanets. He will discuss a further development of CSSR-Soviet cooperation, and visit some important Soviet metallurgy enterprises. [Prague RUDE PRAVO in Czech 27 Sep 77 p 2 AU]

CSO: 2400

ALBANIA

TEXT OF NEW PENAL CODE PUBLISHED

Tirana GAZETA ZYRTARE in Albanian No 3, 18 Jun 77, pp 27-95

[Text] Penal Code of the People's Socialist Republic of Albania

The People's Assembly of the People's Socialist Republic of Albania Has Resolved

to adopt the Penal Code of the People's Socialist Republic of Albania.

General Part

First Heading

Article 1

The Duties of Penal Legislation

The penal legislation of the People's Socialist Republic of Albania expresses the will of the working class and the other working masses, and is a powerful weapon of the dictatorship of the proletariat in the class struggle.

The penal legislation has the task of defending the socialist state, the Workers' Party of Albania as the sole political guiding force of the state and society, socialist wealth, the rights and interests of the citizens, and the whole socialist social order from socially dangerous acts by the execution of sentences against those who perpetrate them.

An important duty of the penal legislation of the People's Socialist Republic of Albania is the fight against bureaucratism and liberalism as the chief dangers to the state of the dictatorship of the proletariat.

The penal legislation of the People's Socialist Republic of Albania also has the task of aiding in the full construction of socialism and communism in accordance with the principle of self-reliance, and of contributing to the education of the citizens in a spirit of respect for socialist legality.

Article 2

The Bases of Penal Legislation

The penal legislation of the People's Socialist Republic of Albania is guided by the policy of the Workers' Party of Albania and is based on the ideology of the working class, on Marxism-Leninism.

The penal legislation stems from the Constitution of the People's Socialist Republic of Albania.

Second Heading

Penal Acts (Crime)

Article 3

Definition of a Penal Act

A penal act is any socially dangerous action or inaction involving guilt and anticipated by law.

Socially dangerous are acts directed against the socialist state, the Workers' Party of Albania, socialist wealth, a person, his rights and interests, and the whole socialist social order.

Not a penal act is one which, though anticipated by a provision of the penal law, is not socially dangerous because of its small importance.

Article 4

Penal acts are divided into crimes (krime) and penal contraventions (kundervajtje).

The distinction between a crime and a penal contravention is made in each case by the penal law on the basis of the degree of social dangerousness of the penal act.

Article 5

Causal Connections

A person is penally responsible when there are causal connections between his action or inaction and socially dangerous consequences.

Article 6

Guilt

A person has committed an action or inaction involving guilt when:

a) he has foreseen the socially dangerous consequences of his act and has willed them or has consciously allowed them to occur (voluntarily).

b) has foreseen that his act could result in socially dangerous consequences but has frivolously hoped to avoid, or has not foreseen those consequences, although he could and should have foreseen them in view of the circumstances of the case (due to negligence).

Article 7

Age for Penal Responsibility

Subject to penal responsibility is any person who, when he has committed a penal act, has completed his fourteenth year of age.

Article 8

Responsible Persons

Not subject to penal responsibility is any person who, when committing a penal act, was not aware of its seriousness or was not able to control his action or inaction because of a psychic disorder, defective mental development or some other disease accompanied by psychic disturbances.

The effects of this provision do not extend to persons who have committed a penal act while intoxicated.

Article 9

Necessary Defense

An act committed in defense of the socialist state, the Workers' Party of Albania, socialist wealth, a person, his rights and interests, or the whole socialist social order against a real, unjust and incidental attack is not subject to penal responsibility even though anticipated by penal law, provided that the bounds of necessary defense are not exceeded.

Article 10

Extreme Necessity

An act committed to repel a real and incidental danger threatening the socialist state, the Workers' Party of Albania, socialist wealth, a person, his rights and interests, or the whole socialist social order does not involve penal responsibility although anticipated by penal law, if the danger could not have been repelled in other ways under those circumstances, provided that the damage caused is smaller than the damage repelled.

Not in a position of extreme necessity is any person who has the duty to place himself in danger and nevertheless shirks that duty, thus violating his state and vocational obligations.

Article 11

Preparation and Attempt

"Preparation" is defined as the creation of the conditions for committing a crime.

"Attempt" (Tentative) is defined as an action aimed directly at committing a penal act in case this has not been carried out.

Preparation and attempt are punished in accordance with the provision of the penal law concerning the penal act that was to have been committed.

In determining the penalty for preparation and attempt, the court must take into account the degree of preparation of the act, the immediacy of the consequences and the reasons why the act was not consummated, and it may reduce the penalty below the minimum provided by the penal law for that act.

Article 12

Abandonment of the Commission of A Penal Act

A person who voluntarily and definitively abandons the commission of a penal act in spite of the possibilities that he possesses for its commission is not subject to penal responsibility.

Article 13

Collaboration

Collaboration (Bashkepunimi) is the commission of a penal act by two or more persons in agreement with one another, by an organized group, by an armed band or by a counterrevolutionary organization.

Article 14

Collaborators

Collaborators are defined as organizers, executors, instigators and accessories.

Organizers are defined as persons who organize, direct, and prepare a plan or lead an organization in committing crimes.

Executors are defined as persons who take a direct part in committing a penal act.

Instigators are defined as persons who have instigated another to commit a penal act.

Accessories [Ndihmes, lit. "helpers"] are defined as persons who give aid in committing a penal act by advice, instructions, by furnishing means and removing obstacles or by promising beforehand to conceal the person who has committed a penal act, his traces or the things deriving therefrom.

Article 15

Responsibility of Collaborators

The organizers, instigators and accessories to an act committed are equally as penally responsible as the executors.

In determining the penalty for collaborators, the court must take into account the degree of participation and the role played by each in committing the act.

The participant in an organized group, armed band or counterrevolutionary organization is responsible not only for penal acts in which he has taken a direct part, but also for those committed by other participants if the commission of those penal acts entered into the plan of their activity.

Instigators and accessories are responsible for preparation according to article 11 of this code even if the person whom they have instigated to commit the crime and to whom they have given aid does not commit it.

Third Heading

Penalties, Medical and Educational Measures

Article 16

The penalty [Denimi penal, lit. "penal punishment"] is a means of compulsion of a political and ideological character used by the socialist state in the class struggle.

The penalty is a powerful weapon of the dictatorship of the proletariat in the struggle against its enemies to defend and strengthen the socialist social order.

The penalty has the purpose of preventing further malfeasant activity by the culprit and educating him to become useful to society.

The penalty also has the purpose of contributing to the education of other citizens in a spirit of respect for socialist legality.

Article 17

Kinds of Penalties

The court will impose the following principal penalties upon persons who have committed crimes:

1. Reeducation through work.
2. Deprivation of liberty.
3. Death.

The court will impose the following principal penalties upon persons who have committed penal contraventions:

1. Social reprimand.
2. Fine.
3. Reeducation through work.
4. Deprivation of liberty.

The court may also impose the following supplementary penalties upon persons who have committed penal acts:

1. Deprivation of decorations.
2. Prohibition against exercising a specific activity or trade.
3. Deprivation of the right to vote.
4. Banishment.
5. Internment.

Article 18

Social Reprimand

Social reprimand is a reprimand given to the culprit by the court in the work center or place of residence.

Article 19

Fine

The fine is a penalty in cash. The punishment by fine is fixed within the limits provided by the special part of this code and is from fifteen up to one thousand leks.

In fixing the fine, the court must take into account, among other things, the personal and family conditions of the culprit.

If the fine is not paid, the court will decree its replacement by reeducation through work, at the rate of five leks per day's work.

Article 20

Reeducation through Work

Reeducation through work is an obligation for the culprit to work for a period of from one month to a year in the work center designated by the court's decision or in places designated by the executing organs.

Up to one-fourth of the compensation for the work performed by a person sentenced to reeducation through work by a court decision will be withheld for the benefit of the state.

The duration of this sentence will not be included in the length of work seniority or in the length of military service.

The duration of temporary disability to work will not be included in the length of this sentence.

A convict will not receive increases in base pay and other benefits for the duration of the sentence to reeducation through work.

Reeducation through work is not imposed upon persons who are unfit for work. A milder punishment will be meted out to them.

For military convicts, the mode of application of the penalty of reeducation through work will be regulated by special provisions.

In case a person sentenced to reeducation through work fails to serve the sentence without cause, that sentence will be replaced by deprivation of liberty by a court decision, reckoning three days of reeducation through work not undergone as equivalent to one day of deprivation of liberty.

Article 21

Deprivation of Liberty

The sentence of deprivation of liberty is imposed by court decision for a period of from one month up to twenty-five years and in the places for reeducation through work, or in prison.

A person who has not completed his eighteenth year at the time of commission of a penal act will be sentenced to not more than half the term of deprivation of liberty provided by the penal law for the act committed.

Minors will serve the sentence of deprivation of liberty in special places.

Article 22

The Death Penalty

The death penalty is an extraordinary punishment imposed solely for especially dangerous crimes.

The death penalty will not be imposed upon persons who have not completed their eighteenth year at the time of commission of the crime, or upon women who were pregnant at the time of commission of the crime or the trial.

A death penalty imposed upon a woman will not be executed when it is found that she was pregnant at the time that the sentence was to be executed. This penalty will be replaced by the court by twenty-five years of deprivation of liberty.

Article 23

Deprivation of Honorary Titles and Decorations

The deprivation of honorary titles and decorations will be obligatory when the court imposes the penalty of deprivation of liberty for a penal act for a term of not less than ten years.

The court may likewise decree deprivation of honorary titles and decorations when it imposes the sentence of deprivation of liberty from one to ten years if it deems this necessary owing to the nature of the act committed.

When a court decrees deprivation of honorary titles and decorations conferred upon the convict by the Presidium of the People's Assembly, its decision, after having assumed an irrevocable form, must be communicated to the Presidium of the People's Assembly.

Article 24

Prohibition of the Exercise of a Specific Activity or Trade

Prohibition of the exercise of a specific activity or trade will be imposed for a term of one to five years when the court finds that the convict has abused them and deems that he should not exercise them in the future.

Article 25

Deprivation of the Right to Vote

With deprivation of the right to vote, the convict does not have the right to vote or be elected to the People's Assembly, to the people's councils or to the courts.

Deprivation of the right to vote is imposed for the commission of a crime and for a term of one to five years.

Article 26

Banishment

Banishment is the removal of the convict from his place of residence with or without prohibition to stay in one or more specified places.

Banishment will be imposed for a penal act for a term of one to five years in cases where the court deems that the stay of the convict in specified places is socially dangerous.

Banishment may also be imposed on aliens by expelling them from the People's Socialist Republic of Albania.

This sentence will be executed by the internal affairs organs without application of the principal penalty.

Article 27

Internment

Internment is the obligation of a convict to remain in a specified place for a term of one to five years.

Internment will be imposed by the court for the commission of a crime when it deems that the movement of the convict to different places presents a social danger.

The execution of this sentence will be done by the internal affairs organs without application of the principal penalty.

Article 28

Medical and Educational Measures

Medical measures will be taken against irresponsible persons when this is seen to be necessary, while educational measures will be taken by the court when it deems that the penalties are not suitable, or against persons who are not penally responsible because of their age.

Medical measures are:

1. Compulsory treatment.
2. Confinement to a medical institution.

Educational measures are:

1. Consignment of a minor to an educational institution.
2. Leaving the person to the collective or to social organizations for education.

Fourth Heading

Fixing the Penalty

Article 29

Methods of Fixing the Penalty

The court, as an organ of the dictatorship of the proletariat, in expressing and defending the interests of the working class and the other working masses will, in fixing the extent of the penalty, evaluate the degree of social danger from the penal act of a person, the degree of guilt, and all the attenuating and aggravating circumstances.

The extent of the penalty will be determined in accordance with the provisions of this code and within the limits provided by law.

Article 30

Attenuating Circumstances

Attenuating circumstances are, in particular:

- a) the commission of a penal act under the influence of a psychic shock caused by provocation or other unjust acts against the convict;
- b) the commission of a penal act under serious family or personal circumstances;
- c) the commission of a penal act under the influence of a threat or coercion;
- d) the commission of a penal act by a pregnant woman;
- e) the commission of a penal act under the influence of the actions or unjust directions of superiors;

- f) deep repentance of the culprit for the act committed;
- g) surrender after commission of the penal act;
- h) restitution of the damage.

Article 31

Aggravating Circumstances

Aggravating circumstances are, in particular:

- a) the commission of a penal act by a person who has previously committed another penal act;
- b) the commission of a penal act in collaboration;
- c) commission of a penal act for weak reasons;
- d) commission of a penal act against children, pregnant women or persons who, for various reasons, cannot defend themselves;
- e) commission of a penal act by a person who has important state and social duties;
- f) the causing of serious consequences from a penal act.

Article 32

Mitigation of the Penalty Within the Limits Provided by Law

In exceptional cases, the court, when it deems that an act presents small social danger and the personality of the culprit is such that the purpose of reeducation can be achieved even by a milder penalty than that provided by law, may fix a penalty below the minimum or a kind of penalty milder than that prescribed by the respective provisions of the special part of this code.

When the circumstances described in the first paragraph of this article exist, the court may impose a penalty below the limits provided by law when this is requested by the worker collective of the culprit's work center or social organization.

Article 33

Exemption from a Penalty Due to the Absence of Social Danger

A person will not be sentenced when his act, though anticipated as a penal act at the time of its commission, has lost its socially dangerous

character during the judicial investigation and examination of the case because of a change in the political-social circumstances, and also when the person no longer presents a social danger.

Article 34

Exemption of Minors from Penalties

The court may exempt from a penalty minors who had not completed their eighteenth year at the time of commission of a penal act, in the following cases:

- a) when, for reasonable causes, he was not in a position to understand that his act was socially dangerous.
- b) when he has committed a penal act of small importance while in a condition of psychic shock, under the influence of another or under incidental circumstances;
- c) when it is deemed that the educational measures will achieve the purpose of improving him.

Article 35

Determination of the Penalty for Persons Who Have Committed Several Penal Acts

When the actions or inactions committed constitute the elements of several penal actions, and when a person has committed several penal acts for which no sentence has as yet been handed down, the court will first fix the penalty for each act separately and then a single penalty, consisting of the heaviest added penalty.

The added penalty may not exceed the total of the penalties fixed separately or the highest limit provided by this code for the kind of sentence given.

The court, when it judges it to be reasonable, will impose as the final penalty that which it has fixed for the most serious act.

In addition to the main penalty, the court has the right to add one or more of the supplementary penalties imposed by it for each separate penal act.

Article 36

When the convict, before serving his sentence completely, is sentenced for an act committed before the rendition of the verdict, the rules in the above article will be applied and the part of the sentence served will be taken into account in the new penalty.

When a convict, after rendition of the verdict, but before fully serving his sentence, commits a new penal act, the court will combine the new penalty with the remainder of the previous penalty, following the rules provided in the above article.

Article 37

Counting Pre-Trial Detention

The duration of arrest before trial [paraburgimi, lit. "pre-imprisonment"] will be included in the penalty of deprivation of liberty, reeducation through work, or fine.

When a penalty of reeducation through work is imposed, one day of arrest will be counted as three days of reeducation through work; and when the penalty is in the form of a fine, one day of arrest will be counted as equivalent to eighteen leks.

Article 38

Conditional Penalty

If the court deems that the degree of social danger of the act and of a convict is such that there is no need for confinement or for serving the penalty of reeducation through work, it has the right to impose a conditional penalty. In this case, it will order that the sentence not be executed unless the convict, during the appointed term, commits another penal act that is just as serious or more serious than the previous one. This term may not be less than one year or more than five years.

When the circumstances described in the first paragraph of this article exist, the court may impose a conditional penalty, at the request of social organizations or worker collectives, and may entrust to them the education and improvement of the conditionally sentenced culprit.

When a convict sentenced conditionally commits within the probationary term another act that is just as serious or more serious than the previous one, the court will withdraw the sentence imposed conditionally and will apply the rules on the combination of sentences.

When the court has imposed a supplementary sentence, this will be executed independently if the main sentence has been imposed conditionally, except when the court decides otherwise.

Article 39

Early Conditional Freedom

When a convict sentenced to deprivation of liberty or to reeducation through work shows by his behavior and work that he has improved and when the act committed does not present a pronounced social danger, he may be released by the court ahead of time, on condition.

Fifth Heading

Lapse of Penal Prosecution

Article 40

Lapse of Penal Prosecution

Penal prosecution cannot be conducted when five years have passed from the date of the commission of a penal contravention until the apprehension of a person as a suspect.

Article 41

When a person who has committed a penal contravention conceals himself from investigation or trail after security measures have been taken against him, the term for the lapse [parashkrim, lit. "prescription" in the Roman Law sense] of penal prosecution fixed in article 40 of this code will be doubled.

When a person who has committed a penal contravention for which no penal suit has been instituted commits a new act during the term indicated in article 40, the progress toward the lapse for the contravention committed earlier will be interrupted and the term of the lapse will be counted from the date of the commission of the new penal act.

Article 42

Lapse of Sentence

A sentence for a penal contravention will not be executed when ten years have passed since the date on which it has assumed irrevocable form.

Sixth Heading

Limits of the Operation of Penal Law

Article 43

Penal Responsibility for Citizens of the Socialist People's Republic of Albania

Albanian citizens are responsible for penal acts committed both inside and outside of the territory of the Socialist People's Republic of Albania in accordance with the penal legislation of the Socialist People's Republic of Albania.

Albanian citizens who have served a sentence outside of the state for a penal act committed there are penally responsible in case the act committed

is also covered by the penal legislation of the Socialist People's Republic of Albania. In this case, they may be exempted in Albania from serving a sentence for that penal act, or the court may fix a penalty against them below the minimum prescribed, or a milder kind of penalty.

Article 44

Penal Responsibility of Foreign Citizens and Stateless Persons

Foreign citizens and stateless persons are penally responsible for penal acts committed on the territory of the Socialist People's Republic of Albania in accordance with the provisions of this code.

Foreign citizens and stateless persons are also penally responsible according to the provisions of this code in cases where the consequences of crimes against the state, though committed outside of the territory of the Socialist People's Republic of Albania, have manifested themselves within its territory.

The question of the apprehension for penal responsibility of foreign citizens enjoying diplomatic immunity who have committed penal acts on the territory of the Socialist People's Republic of Albania will be resolved in each instance through diplomatic channels.

Article 45

Time Limits on Operation of Penal Law

The qualification of a penal act and the penalty for it will be on the basis of the penal law which was in force at the time of its commission.

A new law which does not punish a penal act has retroactive force.

Persons who are serving a sentence imposed on the basis of the old law are exempted from further serving of their sentences when an action or inaction does not constitute a penal act according to the new law.

Article 46

Special Provisions

The provisions of the general part of this code will also be enforced for the penal acts provided for by special penal laws.

Special Part

A) Crimes

First Heading

Crimes Against the State

Article 47

Treason to the Fatherland

Treason to the fatherland is the most serious crime that a citizen of the Socialist People's Republic of Albania can commit.

Treason to the fatherland is defined as any act committed to overthrow the state of the dictatorship of the proletariat, or any act directed against national independence, the defense force and the external security of the Socialist People's Republic of Albania, such as, in particular:

- a) the organization of or participation in an armed insurrection to overthrow the socialist state and the Workers' Party of Albania as the sole leading political force of the state and society;
- b) the exercise, in the name of the Socialist People's Republic of Albania, of the people's sovereignty or any attribute of it that is contrary to the Constitution;
- c) the signing of acceptance, in the name of the Socialist People's Republic of Albania, of a capitulation or occupation of the country;
- d) an activity aimed at alienation of the territory of the Socialist People's Republic of Albania or at violation of its boundaries;
- e) acceptance of the location of bases and foreign military forces within the territory of the Socialist People's Republic of Albania;
- f) the creation of companies and other foreign or joint economic and financial institutions with capitalist, bourgeois or revisionist monopolies or states, and acceptance of credits from them;
- g) the violation of the military oath, the organization of or participation in a military plot or putsch, the surrender of military forces and means of combat to the enemy, and their destruction or incapacitation with the object of aiding him;
- h) collaboration with the enemy in wartime in areas temporarily occupied by him;
- i) entrance into the service of foreign states for hostile activity against the Socialist People's Republic of Albania;
- j) espionage, the execution of other orders from a foreign agency, and the delivery to foreign states of military secret or any other secret;

k) flight from the state and refusal to return to the fatherland on the part of a person sent on service or allowed temporarily to leave the state.

Treason to the fatherland will be punished by deprivation of liberty for not less than ten years, or by death.

Article 48

Espionage

The collection, the theft, the keeping for the purpose of delivery, or the actual delivery of political, military or economic information to foreign states or their agents, when committed by foreign citizens or stateless persons are punished:

by deprivation of liberty for not less than ten years, or by death.

Article 49

Provocation of War or the Breaking Off of Diplomatic Relations with the Socialist People's Republic of Albania

The preparation or use of false documents, the communication of false information or other actions of this sort in order to provoke war or the breaking off of diplomatic relations with the Socialist People's Republic of Albania will be punished:

by deprivation of liberty for not less than ten years, or by death.

Article 50

Terrorist Acts

Terrorist acts against representatives of the state and the Workers' Party of Albania, or against other persons because of their state or social activity will be punished:

by deprivation of liberty for not less than ten years, or by death.

These same acts, when perpetrated against representatives of foreign states, will be punished:

by deprivation of liberty for not less than ten years, or by death.

Article 51

Organization of Armed Bands or Participation in Them

The organization of armed bands or participation in those bands, which enter the Socialist People's Republic of Albania from without or are formed within the country to commit crimes against the state will be punished:

by deprivation of liberty for not less than ten years, or by death.

Article 52

Diversion

The destruction or damaging, by explosion, fire or other means, of socialist wealth, poisonings, the spreading of epidemic epizootic diseases to weaken or undermine the people's government will be punished:

by deprivation of liberty for not less than ten years, or by death.

Article 53

Sabotage

An action or inaction to weaken or undermine state activity or that of the Workers' Party of Albania, the socialist economy, the organization and direction of the state and society will be punished:

by deprivation of liberty for not less than ten years, or by death.

Article 54

Genocide

Acts committed for the purpose of completely or partly destroying a national, ethnic or racial group, such as: a) murder of members of the group; b) severe bodily or mental injury of members of the group; c) the deliberate placing of the group under such living conditions as to cause complete or partial physical destruction; d) measures having the purpose of preventing births within the group; and e) forcible transfer of children of the group to another group are punished:

by deprivation of liberty for not less than ten years, or by death.

Article 55

Agitation and Propaganda Against the State

Fascist, antidemocratic, religious, warmongering or antisocialist agitation and propaganda, as well as the preparation, dissemination or the keeping for dissemination of literature with such a content to weaken or undermine the state of the dictatorship of the proletariat are punished:

by deprivation of liberty for from three to ten years.

These same acts, when committed in wartime or when they have caused especially serious consequences, are punished:

by deprivation of liberty for not less than ten years, or by death.

Article 56

Incitement to Hatred or Quarrels between Nationalities and Races

Incitement to hatred and racial or national quarrels, as well as the preparation, dissemination or keeping for the purpose of dissemination of writings with such a content are punished:

by deprivation of liberty for from three to ten years.

Article 57

Creation of a Counterrevolutionary Organization or Participation in It

The creation of an organization of a fascist, antidemocratic or antisocialist character, or participation therein to commit crimes against the state are punished:

by deprivation of liberty for not less than ten years, or by death.

Article 58

Hostile Activity Before the Liberation

Definite activity against the revolutionary movement, carried on during or before the Nazi-Fascist occupation by persons occupying positions of responsibility in the state or by persons employed in secret services or in traitorous organizations, is punished:

by deprivation of liberty for not less than ten years, or by death.

Article 59

Support after Commission of a Crime

Concealment of a person who commits a crime against the state and concealment of traces or things deriving from that crime are punished:

by deprivation of liberty for not less than five years and, in especially serious circumstances, by death.

Article 60

Activity against the Revolutionary Movement of the Working Class

On the basis of the principle of proletarian internationalism, the crimes against the state anticipated by the penal legislation of the Socialist

People's Republic of Albania, also when directed against other socialist states, the revolutionary movement of the working class, or the fight of the peoples for liberty and independence, social progress and socialism, are punished as crimes committed against the Socialist People's Republic of Albania.

Second Heading

Crimes against Socialist Wealth

Article 61

Appropriation of Socialist Wealth

Appropriation of socialist wealth is punished:

by deprivation of liberty for from four to seven years.

Article 62

Appropriation of socialist wealth committed more than once or by an organized group or in large proportions is punished:

by deprivation of liberty for not less than seven years, or by death.

Article 63

Appropriation of socialist wealth, even if committed more than once or by an organized group, will, when the value of the wealth appropriated is small, be punished:

by deprivation of liberty for up to four years.

Article 64

Appropriation of socialist wealth by the dismantlement of machinery, when the value of the thing appropriated is small, even if committed more than once or by an organized group, is punished:

by deprivation of liberty for up to four years.

Article 65

Robbery

Robbery of socialist wealth is punished:

by deprivation of liberty for not less than ten years, or by death.

Article 66

Purchase of Socialist Wealth Deriving from a Crime or Acceptance Thereof

The purchase of socialist wealth known to derive from a crime, or acceptance thereof, is punished:

by reeducation through work or by deprivation of liberty for up to three years.

The same act, when committed more than once, is punished:

by deprivation of liberty for up to five years.

Article 67

Willful Destruction or Damaging of Socialist Wealth

The willful destruction or damaging of socialist wealth is punished:

by deprivation of liberty for up to ten years.

The same act, when committed with fire or another means involving common danger or when it has caused serious consequences, is punished:

by deprivation of liberty for not less than five years, or by death.

Article 68

Destruction or Damaging of Socialist Wealth through Negligence

The destruction or damaging of socialist wealth through negligence by fire or some other means involving common danger, when it has caused serious consequences, is punished:

by reeducation through work or by deprivation of liberty for up to ten years.

Third Heading

Crimes against the Socialist System of the Economy

1. Crimes in the Fields of Industry, Construction and Agriculture

Article 69

Manufacture of Products of Poor Quality

The manufacture of industrial products or the construction of important works that are not of good quality or complete or that are contrary to the

standards or project plans by a director, chief engineer or, in his absence, by the responsible engineer and the chief of technical control of an enterprise, or by other persons charged with quality control is punished:

by reeducation through work or by deprivation of liberty for up to five years.

Article 70

Careless Use or Maintenance of Machinery and Technical Equipment

The careless use or maintenance of machinery or industrial, agricultural or construction technical equipment, when it has caused serious consequences, is punished:

by reeducation through work, or by deprivation of liberty for up to seven years.

Article 71

Damage to Irrigation and Drainage Works

The willful damaging of irrigation and drainage canals or of structures connected therewith, as well as of reservoirs, pumps or river dams, when serious consequences have been caused by that act, is punished:

by reeducation through work or by deprivation of liberty for up to seven years.

2. Crimes in the Field of Commerce

Article 72

Smuggling

Smuggling is punished:

by reeducation through work or by deprivation of liberty for up to five years.

The same act, when committed in large proportions or by an organized group, is punished:

by deprivation of liberty for not less than five years.

Article 73

Exercise of Prohibited Commerce

The purchase for sale, and the resale of goods and other things for the purpose of profit in large proportions are punished:

by deprivation of liberty for up to ten years.

Article 74

Cheating in Weight and Measure

Cheating a buyer in weight or measure for the purpose of profit is punished:

by reeducation through work or by deprivation of liberty for up to seven years.

Article 75

Sale of Goods at a Higher Price

The sale of goods at higher prices than those fixed by the competent organ, or the sale of goods of a poorer quality at the prices fixed for a higher quality is punished:

by reeducation through work or by deprivation of liberty for up to seven years.

3. Crimes in the Field of Finance

Article 76

Falsification of Currencies

The falsification of state currencies, state securities or foreign exchange, or the placing thereof in circulation is punished:

by deprivation of liberty for one to five years.

When the above mentioned acts are committed by an organized group or in large proportions, they are punished:

by deprivation of liberty for not less than five years, or by death.

Article 77

Violation of the Provisions on Foreign Exchange and Gold

The violation of the provisions regarding operations in foreign exchange, gold, platinum, silver, and the melting down of coins into bars, or their use in making various objects, are punished:

by reeducation through work or by deprivation of liberty for up to five years.

4. Crimes in the Field of Transportation

Article 78

Willful Destruction or Damaging of Ways and Means of Communication

The willful destruction or damaging of ways of communication, of the works connected therewith, of road signs and means of communication is punished:

by reeducation through work or by deprivation of liberty up to ten years.

The same acts, when they have caused an explosion, a collapse, a breakdown, death or other serious consequences, are punished:

by deprivation of liberty for not less than five years, or by death.

Article 79

Damaging of Ways and Means of Communication through Negligence

The damaging through negligence of ways and means of communication, of the works connected therewith or of road signs, when those acts have caused explosions, collapses, breakdowns, death or other serious consequences, are punished:

by reeducation through work or by deprivation of liberty for up to ten years.

Article 80

Violation of Work Discipline in Transportation

The violation of work discipline by railroad, water or air transportation workers, if resulting in an interruption of the transportation plans, damage to lines, structures or means of transportation, or any other serious disorder in the work of transportation, is punished:

by reeducation through work or by deprivation of liberty for up to ten years.

The same act, if resulting in an explosion, collapse, or breakdown or if causing death or other grave consequences, is punished:

by deprivation of liberty for not less than five years.

Article 81

Violation of Traffic Regulations

The violation of traffic regulations, when it has caused the death or serious injury to a person, or light injury to several persons or other grave consequences, is punished:

by deprivation of liberty for up to ten years.

The same act, when it has caused the death of, or serious injury to several persons, is punished:

by deprivation of liberty for not less than five years.

Article 82

Damaging of Cables and Lines

The damaging of cables, electric, telegraph or telephone lines or of the equipment connected therewith, when resulting in grave consequences, is punished:

by reeducation through work or by deprivation of liberty for up to five years.

Fourth Heading

Crimes against a Person or a Family

1. Crimes against Life

Article 83

Murder

Willful murder is punished:

by deprivation of liberty from ten to twenty years.

Article 84

Willful murder committed:

- a) for interest, revenge, jealousy or other weak reasons;
- b) against two or more persons or more than once;
- c) against a person who cannot defend himself;

- d) in a manner causing special pain to the victim;
 - e) in a manner endangering the life of many persons;
 - f) by a person who had the duty to take special care of the victim;
 - g) against a woman when she is known to be pregnant, is punished:
- by deprivation of liberty for not less than fifteen years, or by death.

Article 85

Willful murder committed in a state of incidental strong psychic shock caused by violence or grave insult on the part of the convict is punished:

by deprivation of liberty for up to eight years.

Article 86

Murder committed by exceeding the bounds of necessary defense is punished:

by deprivation of liberty for up to eight years.

Article 87

The murder of an infant willfully committed by a mother during birth or immediately after birth is punished:

by deprivation of liberty for up to three years.

Article 88

Murder committed through carelessness is punished:

by deprivation of liberty for up to eight years.

Article 89

Causing of Suicide

The causing of the suicide or attempted suicide of a person by systematic ill treatment or by other systematic behavior that seriously demeans human dignity is punished:

by deprivation of liberty for up to five years.

2. Crimes against Health

Injury

Article 90

Serious Injury

Willful injury endangering life, in the case of causation or when resulting in the loss of sight, hearing or the function of some other organ, the interruption of pregnancy, permanent disfigurement of the face, psychic disorder or any other shock to the health resulting in the permanent loss of the ability to work to the extent of over one-third is punished:

by deprivation of liberty for up to ten years.

The same act, when committed against several persons or more than one time, as well as when it has resulted in death, is punished:

by deprivation of liberty for from five to fifteen years.

Article 91

Willful serious injury committed in a state of incidental strong psychic shock caused by violence or by grave insult by the convict is punished:

by deprivation of liberty for up to five years.

Article 92

Willful serious injury committed by exceeding the bounds of necessary defense is punished:

by deprivation of liberty for up to three years.

Article 93

Light Injury

Willful light injury is punished:

by reeducation through work or by deprivation of liberty for up to three years.

The same act, when committed more than one time or against several persons, is punished:

by deprivation of liberty for up to five years.

Article 94

Illegal Deprivation of Liberty

Illegal deprivation of liberty to the detriment of several persons or when it endangers the life and health of a person or causes physical suffering, is punished:

by deprivation of liberty for up to five years.

Article 95

Unauthorized Abortion

Unauthorized abortion practiced more than one time or resulting in the death or grave shock to the health of a woman is punished:

by deprivation of liberty for up to eight years.

Article 96

Negligent Medical Treatment

Negligent medical treatment by a physician or other medical personnel, as well as failure to perform therapy or the orders of a physician by medical or pharmacy personnel, when these acts have caused grave injury to health, have endangered the life of a person or have caused his or her death, is punished:

by reeducation through work, or by deprivation of liberty for up to five years.

3. Sexual Crimes

Article 97

Sexual Relations under Duress

Sexual relations practiced by force or by taking advantage of the incapacity of the victim to defend herself are punished:

by deprivation of liberty for up to ten years.

The same acts when committed in collaboration, as well as when they have caused grave consequences to health, are punished:

by deprivation of liberty for not less than ten years, or also by death when they have resulted in the suicide or death of the victim.

Article 98

Sexual Relations with Minors

Sexual relations with a girl who has not reached the age of fourteen or sexual maturity are punished:

by deprivation of liberty for up to fifteen years.

The same acts, if committed by force, in collaboration or when they have caused grave consequences for health are punished:

by deprivation of liberty for not less than ten years, or also by death when they have resulted in the suicide or death of the victim.

Article 99

Indecent Acts

The commission of indecent (turpshme) acts with persons who have not reached the age of fourteen is punished:

by deprivation of liberty for up to five years.

Article 100

Incestuous Sexual Relations

Sexual relations between persons related in a direct line or between brother and sister are punished:

by deprivation of liberty for up to five years.

Fifth Heading

Crimes against the Property of Citizens

Article 101

Theft

Theft of the property of another is punished:

by deprivation of liberty for up to five years.

The same act, if committed more than one time or by an organized group or in large proportions, is punished:

by deprivation of liberty for up to ten years.

Article 102

Robbery

An attack made to gain possession of another's property and committed with physical force or by the threat to use physical force on the spot is punished:

by deprivation of liberty for not less than five years, or by death.

Article 103

Coercion

The compulsion of a person to surrender property or other acquired possessions by the threat to use physical force against him or his relatives or to cause him substantial material damage or to reveal humiliating facts about him or his relatives is punished:

by deprivation of liberty for up to five years.

Article 104

Fraud

The appropriation of another's property or other acquired possessions through deceit or abuse of confidence is punished:

by deprivation of liberty for up to three years.

The same act, when committed more than once, is punished:

by deprivation of liberty for up to five years.

Article 105

Willful Destruction or Damaging of Another's Property

The willful destruction or damaging of another's property, when resulting in grave consequences, is punished:

by reeducation through work or by deprivation of liberty for up to five years.

Sixth Heading

Crimes in the Exercise of a Duty

Article 106

The willful commission of acts that are contrary to the content of the regulations on state and social duties, or the willful failure to perform

a duty, when they have resulted or it was known that they could result in grave consequences to the interests of the state and society or to the rights and legal interests of citizens, is punished

by reeducation through work or by deprivation of liberty for up to ten years.

Article 107

Violation of the Equality of Citizens

The creation of privileges, national inequality or any other action violating the rights of national minorities, when the act does not constitute a crime against the state, is punished:

by deprivation of liberty for up to ten years.

Article 108

Negligent Attitude to Duty

A negligent attitude in the performance of a state or social duty, when resulting in grave consequences to the interests of the state and society or to the legal rights and interests of citizens, is punished:

by reeducation through work or by deprivation of liberty for up to three years.

Article 109

Bribery

The taking of a bribe in the line of duty is punished:

by deprivation of liberty for up to ten years.

The giving of a bribe is punished:

by reeducation through work or by deprivation of liberty for up to three years.

Article 110

Falsification

The presentation, in official documents, of circumstances or data that are known to be false, the compilation or giving of documents known to be false, and the falsification of documents of citizens found in the files of an institution, enterprise or organization, even if committed more than one time, is punished:

by reeducation through work or by deprivation of liberty for up to eight years.

Seventh Heading

Crimes against Justice

Article 111

Support after Commission of a Crime

Concealment of a person who commits a crime or concealment of traces and things deriving from a crime, when the penalty of deprivation of liberty for more than two years is prescribed for that crime, is punished:

by deprivation of liberty for up to five years.

The same act, when connected with a crime for which the penalty of deprivation of liberty for not less than ten years is prescribed, is punished:

by deprivation of liberty for up to ten years.

Article 112

Failure to Report a Crime

The failure to report a crime as provided in articles 62, 65, 67, second paragraph, 72, second paragraph, 76 second paragraph, 83, 84 and 102 of this code, is punished:

by deprivation of liberty for up to three years.

The failure to report a crime against the state, as provided in articles 47-57 and 60 of this code, when it is known for certain that it is being prepared or has been committed, is punished:

by deprivation of liberty for up to ten years.

Article 113

False Reporting

The reporting of the commission of a crime that is known not to have been committed or of the commission of a crime by a person who is known not to have committed it, as well as the creation of false evidence for the purpose of starting penal proceedings, is punished:

by deprivation of liberty for up to five years.

Article 114

The commencement of penal proceedings by the organs of investigation, the public attorney's office or the court against a person who is known to be guiltless, is punished:

by deprivation of liberty for up to five years.

Article 115

Coercion to Make Declarations

The use of force to make declarations on the part of the person conducting investigations is punished:

by deprivation of liberty for up to eight years.

Article 116

Rendition of an Unjust Verdict

The rendition of a final judicial decision that is known to be unjust is punished:

by deprivation of liberty for up to ten years.

Article 117

Removal of a Prisoner or Convict

The removal of a prisoner or convict sentenced to deprivation of liberty or of an internee from his place of obligatory sojourn or during travel is punished:

by deprivation of liberty for up to three years.

Eighth Heading

Crimes against Administrative Order

1. Crimes against State or Social Activity

Article 118

Resistance to Representatives of the State

Resistance by physical force or in collaboration, exercised against a representative of the state when doing his duty according to the law is punished:

by reeducation through work, or by deprivation of liberty for up to five years.

Article 119

Battery Due to Performance of Duty

Battery or other acts of violence committed against a person because of his state or social activity, or in production, are punished:

by reeducation through work, or by deprivation of liberty for up to three years.

Article 120

Insult to a Person Due to Performance of Duty

The insulting of a person because of his state or social activity, or in production, when committed publicly to the detriment of several persons and more than one time, is punished:

by reeducation through work, or by deprivation of liberty for up to five years.

Article 121

Falsification of Documents or Delivery of Them for the Purpose of Use

The appropriation, sale, falsification or delivery for the purpose of use of official documents, or the use of such documents belonging to a third person, even if committed more than one time, is punished:

by reeducation through work, or by deprivation of liberty for up to five years.

2. Crimes Connected with the Defense of the Socialist People's Republic of Albania.

Article 122

Dissemination of State Secrets

The dissemination of information constituting a state secret by persons to whom that information has been entrusted, or who, because of their functions, have been able to obtain that information is punished:

by deprivation of liberty for up to ten years.

Article 123

Loss of Documents

The loss, by the persons to whom they have been entrusted, of documents and publications or other materials constituting state secrets is punished:

by reeducation through work, or by deprivation of liberty for up to five years.

Article 124

Dissemination of False Information Producing a Panic

The dissemination of false information producing a panic is punished:

by deprivation of liberty for up to five years.

The same act, when committed in wartime or in a state of emergency, is punished:

by deprivation of liberty for not less than ten years, or by death.

Article 125

Avoidance of the Obligations of Civil Defense

The failure to perform in wartime or in a state of emergency obligations in the ranks of the units of civil defense of the Socialist People's Republic of Albania is punished:

by reeducation through work, or by deprivation of liberty for up to five years.

Article 126

Utterance of Fabrications or Rationalizations Outside the State

The utterance or delivery outside the state of fabrications or rationalizations constituting state secrets, which have been made in Albania or outside the state, are punished:

by deprivation of liberty for up to ten years.

3. Crimes Connected with the Guarding of the State Borders

Article 127

Illegal Passage across Frontiers

Illegal passage across the border of the state is punished:

by deprivation of liberty for up to five years.

Article 128

Violation of the Rules on Flights

The violation of the rules on international flights, especially entrance into the Socialist People's Republic of Albania or exit from it without a flight permit, disregard of the flyways, the landing places and air corridors, and the specified altitude of flight, is punished:

by deprivation of liberty for up to five years.

4. Crimes against Social Security

Article 129

Unworthy Behavior In Society

Unworthy behavior in society with ruffianly motives, which notably violates the rules of socialist coexistence, is punished:

by reeducation through work, or by deprivation of liberty for up to five years.

Article 130

Violation of the Rules of Work Safety

The violation of the rules on safety equipment, hygiene and other work safety rules, if that violation has caused death or other grave consequences, is punished:

by reeducation through work, or by deprivation of liberty for up to ten years.

Article 131

Violation of Technical Order in Production

The violation of technical regulations, technical discipline in production or work conditions protecting the workers in production, when these have caused death or other grave consequences, is punished:

by reeducation through work, or by deprivation of liberty for up to fifteen years.

Article 132

Violation of the Rules in the Performance of Operations

The violation of the regulations on construction, hygiene and fire protection laid down for construction operations or safety in mines, if that violation has caused death or other grave consequences, is punished:

by reeducation through work, or by deprivation of liberty for up to fifteen years.

Article 133

Violation of Regulations in Production

Smoking, appearance in an intoxicated condition or sleeping during production in departments where there is danger of explosion, when they have caused death or other grave consequences, is punished:

by reeducation through work, or by deprivation of liberty for up to fifteen years.

Article 134

Preparation or Sale of Narcotic and Poisonous Substances

The preparation, keeping and sale of powerful poisonous substances without a permit are punished:

by reeducation through work, or by deprivation of liberty for up to five years.

The preparation, keeping and sale of narcotic substances without a permit are punished:

by reeducation through work, or by deprivation of liberty for up to ten years.

5. Crimes against Socialist Morality

Article 135

Practice of Prostitution

The practice of prostitution, or serving as an intermediary for prostitution, as well as the giving of compensation, is punished:

by deprivation of liberty for up to five years.

Article 136

Pornography

The production, distribution or advertising of pornographic works, publications, figures or other objects, as well as displaying or keeping them for the purpose of sale or distribution, are punished:

by deprivation of liberty for up to three years.

Article 137

Pederasty

Pederasty is punished:

by deprivation of liberty for up to ten years.

Ninth Heading

Military Crimes

Article 138

Persons Having Penal Responsibility for the Commission of Military Crimes

Penally responsible for military crimes are soldiers in active service, those under obligation to do military service, those called up for practice, and other persons who are legally comparable to them.

Article 139

Avoidance of Military Service

The constant avoidance of military service is punished:

by deprivation of liberty for up to five years.

The same act, when committed in wartime or in a state of emergency is punished:

by deprivation of liberty for not less than five years, or by death.

Article 140

Absence without Leave

The absence without leave of soldiers and non-commissioned officers in compulsory military service from their unit or place of service for more

24 hours, or for more than one time even for less than 24 hours, when committed in wartime or in a state of emergency, is punished:

by deprivation of liberty for not less than three years.

The same act, when committed by officers or non-commissioned officers in active service for more than three days or more than one time even for a period of less than three days, is punished:

by deprivation of liberty for not less than five years.

Article 141

Failure to Report to the Unit or Place of Service

Failure of soldiers and non-commissioned officers in active service without reasonable cause to report to their unit or place of service for a period of more than 24 hours, or more than one time even for a period of less than 24 hours, when committed in wartime or in a state of emergency, is punished:

by deprivation of liberty for not less than two years.

Article 142

Failure to Execute an Order

The failure to execute a service order, when committed in collaboration with or by a person of the commanding staff, or when it has caused grave consequences, is punished:

by reeducation through work or by deprivation of liberty for up to ten years.

The same act, if committed in wartime or in a state of emergency, is punished:

by deprivation for not less than five years, or by death.

Article 143

Temporary Avoidance of Service

Temporary avoidance of military service or of the performance of the tasks of military service by doing damage to one's health, pretending to be sick, falsifying documents or by any other means, when committed in wartime or in a state of emergency, is punished:

by deprivation for up to ten years.

Article 144

Opposition and Coercion to Violate a Duty

Opposition offered by a soldier in the performance of the duties of military service, or the coercion of him to violate those tasks is punished:

by reeducation through work, or by deprivation of liberty for up to five years.

The same acts, when committed in wartime or in a state of emergency, are punished:

by deprivation of liberty for not less than five years, or by death.

Article 145

Failure to Set Sentries

The failure to set or send out sentries or persons for escort without reasonable cause in wartime or in a state of emergency, when it has caused grave consequences, is punished:

by deprivation of liberty for up to ten years.

Article 146

Violation of the Regulations on Sentry Service

The violation of the regulations on sentry or escort service by persons entrusted with the performance of those services in the case of objects that are of especially great importance for the state, or in the defense of the state borders, when it has been committed in wartime or in a state of emergency, or when it has caused grave consequences, is punished:

by deprivation of liberty for up to fifteen years.

Article 147

Misuse, Destruction or Damaging of Military Property

The willful misuse, destruction or damaging of armament, the means of communication and liaison and of combat equipment given for use or safekeeping, are punished:

by deprivation of liberty for up to ten years.

The same acts, if committed with fire or some other means involving a common danger, or when they have caused death or other grave consequences, or in wartime or in a state of emergency, are punished:

by deprivation of liberty for not less than five years, or by death.

Article 148

Destruction of Military Property through Negligence

The destruction through negligence of armaments, military equipment or means of communication and liaison given for safekeeping or for use, is punished:

by reeducation through work, or by deprivation of liberty for up to five years.

The same acts, when they have caused death or other grave consequences or have been committed in wartime or in a state of emergency, are punished:

by deprivation of liberty for up to fifteen years.

Article 149

Violation of the Regulations on Aviation

The violation of the regulations on aviation and the preparation of aviation equipment, when these have caused death or other grave consequences, is punished:

by deprivation of liberty for up to fifteen years.

Article 150

Violation of the Regulations on Navigation

The violation of the regulations on navigation and the preparation of navigation equipment, when these acts have caused death or other grave consequences, is punished:

by deprivation of liberty for up to fifteen years.

Article 151

Violation of the Regulations on the Driving and Utilization of Combat Machines

The violation of the rules on the driving and utilization of combat machines [makina luftarake], when those acts have caused death or other grave consequences, is punished:

by deprivation of liberty for up to fifteen years.

Article 152

Destruction of the Means of Combat

The destruction or putting out of order by the command staff, contrary to the military regulations, of fortifications, ships, tanks, airplanes, military depots or other means of combat entrusted to it, and the failure to take the proper measures to destroy or put out of commission the above-mentioned means of combat, when they run the risk of falling at once into the enemy's hands and when not all the possibilities and ways of saving them have been used, is punished:

by deprivation of liberty for from five to twenty years, and, when they have caused grave consequences, by deprivation of liberty for not less than twenty years, or by death.

Article 153

Disobedience of Orders to Fight

Willful disobedience by the command staff of orders given to fight, if not committed for the purpose of favoring the enemy, but in opposition to the military regulations, is punished:

by deprivation of liberty for not less than three years, or also by death when there are especially grave consequences.

Article 154

Abandonment of the Battlefield and Surrender as a Prisoner

Abandonment of the battlefield without order in wartime, or refusal to operate with weapons in wartime, as well as surrender as a prisoner because of fear or weakness, is punished:

by deprivation of liberty for not less than five years, or by death.

Article 155

Loss of the Flag

The loss of the flag of the military unit in war because of fear is punished:

by deprivation of liberty for not less than ten years, or by death.

Article 156

Abandonment of a Warship about to Sink

The abandonment of a warship that is about to sink, by the command staff, which has not performed its own service duties to the end, as well as by the persons of the ship's crew, without a respective order from the superior command, is punished:

by deprivation of liberty for not less than ten years, or by death.

Article 157

Appropriation of Objects Belonging to those Killed, Wounded or Captured

The appropriation on the battlefield of objects found on those killed or wounded, as well as the robbing of prisoners of war, is punished:

by deprivation of liberty for from three to ten years; or, when there are aggravating circumstances, by deprivation of liberty for not less than ten years, or by death.

Article 158

Abandonment of Wounded

The abandonment of those wounded on the battlefield by the persons who are obligated to remove them is punished:

by deprivation of liberty for up to ten years.

Article 159

Violence against the Population in Areas of Military Operations

Violence against a person, appropriations, robbery, destruction and illegal taking of property under the pretext of military necessity to the detriment of the population located in the areas of military operations is punished:

by deprivation of liberty for up to ten years.

The same acts, when committed under aggravating circumstances, is punished:

by deprivation of liberty for not less than ten years, or by death.

Article 160

Savage Behavior Toward Prisoners of War

Savage behavior toward prisoners of war or negligent performance of duties toward sick or wounded prisoners of war by persons charged with their medical treatment is punished:

by deprivation of liberty for up to three years.

B) Penal Contraventions

First Heading

Penal Contraventions in the Field of the Economy

Article 161

Appropriation of Socialist Property Found

The appropriation of socialist property found or falling into one's hands by mistake or accident, is punished:

by a fine of up to one thousand leks, by reeducation through work, or by deprivation of liberty for up to two years.

Article 162

Violation of the Provisions on Foreign Trade

The violation of the provisions on the foreign trade monopoly is punished; by reeducation through work, or by deprivation of liberty for up to two years.

Article 163

Concealment of Smuggled Objects

The concealment, purchase or sale of objects that are known to have been smuggled, when committed for more than one time, are punished:

by reeducation through work, or by deprivation of liberty for up to two years.

Article 164

Exercise of Prohibited Commerce

The purchase for sale, as well as the exercise of any other activity involving the exchange of goods or other objects for the purpose of profit is punished:

by social reprimand, by a fine of up to one thousand leks,

by reeducation through work, or by deprivation of liberty for up to two years.

Article 165

Exercise of a Trade without a Permit

The exercise of a trade [profession] without a permit, when a person has previously been sentenced for an administrative contravention, is punished:

by reeducation through work, or by deprivation of liberty for up to one year.

Article 166

Falsification of the Seals of Units of Measurement

The preparation or keeping for the purpose of sale, of falsified seals of units of measurement, as well as their use are punished:

by reeducation through work, or by deprivation of liberty for up to two years.

Article 167

Violation of the Building Regulations

The violation of the regulations on the projecting, planning, construction and financing of investments and capital construction, when it has resulted in grave consequences, is punished:

by reeducation through work, or by deprivation of liberty for up to two years.

Article 168

Damaging of Cables and Lines

The damaging of cables and electric, telegraph or telephone lines, or of equipment connected therewith, is punished:

by social reprimand, by reeducation through work, or by deprivation of liberty for up to two years.

Article 169

Occupation and Misuse of Land

The occupation of land or any misuse of it is punished:

by a fine of up to five hundred leks, by reeducation through work or by deprivation of liberty for up to six months.

Article 170

Violation of the Provisions on Plant Quarantine

The violation of the provisions on the internal and external quarantine of plants, if that violation has caused grave consequences, is punished:

by social reprimand, by a fine of up to one thousand leks, by reeducation through work, or by deprivation of liberty for up to one year.

Article 171

Violation of the Provisions on the Veterinary Service

The violation of the provisions on the veterinary service, if that violation has caused grave consequences, is punished:

by social reprimand, by a fine of up to one thousand leks, by reeducation through work, or by deprivation of liberty for up to one year.

Article 172

Negligent Treatment of Livestock

The negligent treatment of livestock which is socialist property, when that treatment has caused grave consequences, is punished:

by reeducation through work, or by deprivation of liberty for up to two years.

Article 173

Illegal Cutting of Forests or Damaging Thereof

The illegal cutting of forests and the damaging of them, when the act does not form an administrative contravention, is punished

by a fine of up to one thousand leks, by reeducation through work, or by deprivation of liberty for up to one year.

Article 174

Illegal Fishing

Fishing in seas, lakes, rivers or reservoirs with prohibited means and methods is punished:

by social reprimand, by a fine of up to one thousand leks, by reeducation through work, or by deprivation of liberty for up to one year.

Second Heading

Penal Contraventions against a Person or Family

Article 175

Severe Wounding through Negligence

Severe wounding through negligence is punished:

by reeducation through work, or by deprivation of liberty for up to two years.

Article 176

Light Wounding through Negligence

Light wounding through negligence is punished:

by social reprimand, or by reeducation through work for up to six months.

Article 177

Battery

Battery [rrahja], striking [goditja] or any act of violence, accompanied or not by insignificant affectation of the tissues but causing physical pain, is punished:

by social reprimand, by a fine of up to five hundred leks, by reeducation through work, or by deprivation of liberty for up to six months.

The same acts, when committed publicly to the detriment of several persons or more than one time, are punished:

by reeducation through work, or by deprivation of liberty for up to two years.

Article 178

Unauthorized Abortion

Unauthorized abortion performed upon a pregnant woman is punished:

by reeducation through work, or by deprivation of liberty for up to two years.

Unauthorized abortion performed by a pregnant woman herself with or without the aid of another, is punished:

by social reprimand or by reeducation through work.

Article 179

Failure to Give Aid

Failure to give aid, without reasonable cause, on the part of a person who should give it under the law or by reason of his duty, if the failure to give aid has caused death or serious damage to health, is punished:

by reeducation through work, or by deprivation of liberty for up to two years.

Article 180

The failure of a ship's captain to give aid to persons who are sinking in the sea or other waters, when such aid could have been given without serious danger to the ship, crew and passengers, is punished:

by reeducation through work, or by deprivation of liberty for up to two years.

Article 181

Illegal Deprivation of Liberty

The illegal deprivation of a person's liberty is punished:

by reeducation through work, or by deprivation of liberty for up to one year.

Article 182

Abduction or Coercion for Marriage

The abduction or coercion of a woman in order to marry her is punished:

by reeducation through work, or by deprivation of liberty for up to two years.

Article 183

Housebreaking

Unjustified entry or stay in the residence of another is punished:

by a fine of up to five hundred leks, by reeducation through work, or by deprivation of liberty for up to one year.

The same act, if committed with violence, is punished:

by deprivation of liberty for up to two years.

Article 184

Threat

A serious threat to kill or seriously wound a person is punished:

by reeducation through work, or by deprivation of liberty for up to one year.

Article 185

Insult

Insulting a person is punished:

by social reprimand, by a fine of up to five hundred leks, by reeducation through work for up to six months, or by deprivation of liberty for up to six months.

The same act, if committed publicly to the detriment of several persons, or more than one time, is punished:

by reeducation through work, or by deprivation of liberty for up to one year.

Article 186

Slander

The dissemination of gossip known to be false and affecting the honor and dignity of a person is punished:

by reeducation through work, or by deprivation of liberty for up to one year.

The same act, if committed publicly to the detriment of several persons or more than one time, is punished:

by deprivation of liberty for up to two years.

Article 187

Violation of the Secrecy of Correspondence

The violation of the secrecy of correspondence and of other means of communication is punished:

by social reprimand, by reeducation through work, or by deprivation of liberty for up to six months.

Article 188

Violation of the Rights of Women

The willful prevention of a woman from enjoying equal rights with a man at work, in service, in state social security, in education, in all social and political activity, is punished:

by social reprimand, by reeducation through work, or by deprivation of liberty for up to two years.

Article 189

Betrothal of Minors

The betrothal of persons under the age specified by the law for marriage, or inducement to become betrothed below that age, if done by parents, guardians or other persons, is punished:

by reeducation through work, or by deprivation of liberty for up to one year.

Article 190

Compensation for Marriage

The paying of compensation for marriage or acceptance thereof is punished:

by reeducation through work, or by deprivation of liberty for up to one year.

Article 191

Compulsion to Live Together or Contract Marriage, or Prevention Thereof

Compulsion or prevention practiced upon a woman to continue marital life or compulsion of her to contract marriage is punished:

by reeducation through work, or by deprivation of liberty for up to two years.

Article 192

Prohibited Cohabitation

The maintenance of marital relations with a woman without a petition for contraction of legal marriage having been filed and examined by a court is punished:

by reeducation through work, or by deprivation of liberty for up to one year.

Article 193

The maintenance at the same time of marital relations with two or more women is punished:

by reeducation through work, or by deprivation of liberty for up to two years.

Article 194

Violation of Family Obligations

The failure to give the means of sustenance to children, parents or spouse unable to work in spite of the ability to do so, as well as the abandonment of minor children without any support by the parents, is punished:

by social reprimand, by reeducation through work, or by deprivation of liberty for up to one year.

Third Heading

Penal Contraventions against the Property of Citizens

Article 195

Misuse of Property

The misuse of another's property by a person to whom it has been entrusted for a specific purpose, even if it has been committed more than one time, is punished:

by reeducation through work, or by deprivation of liberty for up to two years.

Article 196

Appropriation of Found Property

The appropriation of personal property that has been found or has fallen into one's hands by mistake or by accident is punished:

by social reprimand, or by reeducation through work.

Article 197

Falsification of Documents

The falsification of the documents of citizens for the purpose of gain is punished:

by reeducation through work, or by deprivation of liberty for up to two years.

Article 198

Purchase of the Property of Citizens Deriving from a Crime, or Acceptance Thereof

The purchase of the property of citizens which is known to derive from a crime, or acceptance thereof, even if committed more than one time, is punished:

by reeducation through work, or by deprivation of liberty for up to two years.

Article 199

Destruction or Damaging of the Property of Citizens through Negligence

The destruction or damaging of the property of citizens through negligence, by fire or any other means resulting in common danger, if these acts have caused grave consequences, is punished:

by reeducation through work, or by deprivation of liberty for up to two years.

Fourth Heading

Penal Contraventions Connected with the Right to Vote

Article 200

Prevention of the Exercise of the Right to Vote

The prevention of citizens from exercising freely the right to vote and to be elected to the state organs, the unjustified placing of voters on lists or exclusion therefrom, as well as the violation of the secrecy of the ballot by a person entrusted with elections are punished:

by social reprimand, by reeducation through work, or by deprivation of liberty for up to one year.

Article 201

Falsification of Election Documents

The falsification of election documents or the results of the voting, when committed by a person entrusted with elections is punished:

by reeducation through work, or by deprivation of liberty for up to two years.

Fifth Heading

Penal Contraventions against Justice

Article 202

False Testimony, Expert Opinion or Translation

Testimony, expert opinion or translation that is known to be false, when given before the investigative organs or the court, is punished:

by reeducation through work, or by deprivation of liberty for up to two years.

Article 203

Non-Appearance of a Witness, Expert or Translator

The non-appearance of a witness, expert or translator without reasonable cause before the investigative or judicial organs, or the refusal to testify or perform their duties is punished:

by social reprimand, by reeducation through work, or by deprivation of liberty for up to three months.

Sixth Heading

Penal Contraventions against the Administrative Order

Article 204

Resistance to Representatives of the State

Resistance to a representative of the state, when he is performing his duty according to the law, is punished:

by reeducation through work, or by deprivation of liberty for up to two years.

Article 205

Resistance to Social Activists

Resistance to social activists exercising worker and peasant control is punished:

by reeducation through work, or by deprivation of liberty for up to two years.

Article 206

Insulting a Person because of his Duty

Insulting a person because of his state or social activity or in production is punished:

by a fine of up to five hundred leks, by reeducation through work, or by deprivation of liberty for up to one year.

Article 207

Threat because of Duty

A serious threat to kill or seriously wound someone, when committed by a person because of his state or social activity, or in production, is punished:

by reeducation through work, or by deprivation of liberty for up to two years.

Article 208

Appropriation of a Title or Function

The unjustified appropriation of the title or function of a representative of the state, accompanied by illegal actions, is punished:

by reeducation through work, or by deprivation of liberty for up to one year.

Article 209

The Shirking of Work by Parasites

The non-compliance of parasites with a decision of state organs regarding job placement, when occurring more than one time, is punished:

by reeducation through work, or by deprivation of liberty for up to two years.

Article 210

Self-Executed Justice

The exercise of a right by a person possessing or believing to possess that right, but not recognized by another, without addressing himself to the competent organ, is punished:

by social reprimand, by reeducation through work for up to six months, or by deprivation of liberty for up to three months.

Article 211

Obstruction of the Execution of Decisions

The concealment, alienation, consumption, damaging or destruction of objects concerning which a decision has been taken by a court or by some other competent organ of government, or the commission of other acts for the purpose of preventing the execution of a decision, is punished:

by reeducation through work, or by deprivation of liberty for up to two years.

Article 212

Preparation of False Seals, Stamps or Forms

The preparation, the placing in circulation or the appropriation of seals, stamps or forms of an institution or enterprise in order to make false documents is punished:

by reeducation through work, or by deprivation of liberty for up to two years.

Article 213

Failure of a Captain to Show the Name of his Ship

Failure of a ship's captain to show its name and port of registry, as well as the place from which it had departed and that for which it was bound, although he was able to give that information to another vessel on the occasion of a collision with it at sea, is punished

by a fine of up to five hundred leks, by reeducation through work, or by deprivation of liberty for up to three months.

Article 214

Failure to Give Aid in Case of Collision Between Ships

The failure to take the proper measures on the part of the captain of one of the ships which have collided at sea in order to save the other ship, when those measures could have been taken without serious danger to the passengers, crew or the ship itself, is punished:

by reeducation through work, or by deprivation of liberty for up to six months.

Article 215

Appropriation, Destruction or Damaging of Materials in Archives

The appropriation, destruction or damaging of materials in the state archives is punished:

by social reprimand, by a fine of up to five hundred leks, by reeducation through work, or by deprivation of liberty for up to two years.

Article 216

Damaging or Destruction of Cultural Monuments

The damaging or destruction of cultural monuments which are state property or have been placed under the protection of the state, as well as the falsification or illegal use of them to the detriment of their scientific, historical or artistic value, is punished:

by social reprimand, by a fine of up to five hundred leks, by reeducation through work, or by deprivation of liberty for up to two years.

Seventh Heading

Penal Contraventions in the Field of the Defense of the Socialist People's Republic of Albania

Article 217

Avoidance of Military Records

The evasion by an Albanian citizen (reservist or inductee) of registration or the failure to make changes in military records, when committed more than one time, is punished:

by a fine of up to five hundred leks, by reeducation through work, or by deprivation of liberty for up to six months.

Article 218

Avoidance of Military Service

Avoidance by an Albanian citizen of a summons to the army to do compulsory military service is punished:

by a fine of up to one thousand leks, by reeducation through work, or by deprivation of liberty for up to two years.

Evasion by an Albanian citizen of a summons to preinduction training or evasion by a citizen of a summons to military service, or of the preparedness and mobilization test, when practiced more than one time, are punished:

by a fine of up to one thousand leks, by reeducation through work, or by deprivation of liberty for up to two years.

Article 219

Evasion of the Obligation to Hand over Animals, Means or Equipment

The evasion of the obligation to hand over animals, means of transportation or equipment for the needs of the armed forces is punished:

by a fine of up to five hundred leks, or by reeducation through work.

Article 220

Entrance into Border Zones without Permission

The entrance without permission into border zones or into other forbidden zones, the granting of permission to another person, the use of another's permit, the failure to register a permit, or any other violation of the

provisions relating to the movement and sojourn of citizens in those zones, when this is not provided for as an administrative contravention, is punished:

by reeducation through work, or by deprivation of liberty for up to two years.

Article 221

Violation of the Provisions on the Use of Radio Installations

The violation of the provisions on the use of radio installations on Albanian or foreign ships and airplanes on the waters or in the air space of the Socialist People's Republic of Albania is punished:

by a fine of up to one thousand leks, by reeducation through work, or by deprivation of liberty for up to two years.

Article 222

Removal or Breakage of Topographic Signs

The removal or breakage of signs placed for topographic or geodetic purposes, of a temporary or permanent character, or the illegal placing of such signs is punished:

by social reprimand, by a fine of up to five hundred leks, or by reeducation through work for up to six months.

Article 223

Unjustified Hoisting of the Flag

The hoisting of the flag of the Socialist People's Republic of Albania on a seagoing merchant ship which does not have the right to keep that flag is punished:

by a fine of up to one thousand leks, or by deprivation of liberty for up to two years.

Eighth Heading

Penal Contraventions against Social Security

Article 224

Production, Keeping, Purchase or Sale of Arms

The production, keeping, purchase or sale of arms and explosives without permission of the competent organs is punished:

by reeducation through work, or by deprivation of liberty for up to two years.

Article 225

Violation of the Provisions on Arms

The violation of the provisions on arms, when serious injury or death has been caused as a result of the activities of an irresponsible person, is punished:

by reeducation through work, or by deprivation of liberty for up to two years.

Article 226

Violation of the Regulations on Explosives

The violation of the regulations governing the production, keeping, sending or transportation of explosive, combustible or radioactive substances is punished:

by reeducation through work, or by deprivation of liberty for up to two years.

Article 227

Violation of the Regulations on Poisonous Substances

The violation of the regulations governing the production, keeping, supplying and transportation of poisonous substances with a powerful effect, when it has caused grave consequences, is punished:

by a fine of up to one thousand leks, by reeducation through work, or by deprivation of liberty for up to one year.

Article 228

Violation of the Regulations on Work Safety

The violation of the regulations on safety equipment, hygiene or other regulations on work safety, if that violation has created danger to the life or health of workers, is punished:

by reeducation through work, or by deprivation of liberty for up to one year.

Article 229

Violation of the Rights of Workers

Any arbitrary, imperious action, as well as any other willful violation by the directors of enterprises, institutions or organizations against the

rights of workers recognized by the Constitution of the Socialist People's Republic of Albania and, in execution thereof, by the other legal provisions in the field of labor relations, is punished:

by social reprimand, by reeducation through work, or by deprivation of liberty for up to six months.

Article 230

Violation of the Regulations on Production

Smoking, appearance in an intoxicated condition or sleeping during production in departments where there is a danger of explosion are punished:

by a fine of up to five hundred leks, by reeducation through work, or by deprivation of liberty for up to six months.

Article 231

Violation of the Regulations on Operations

The violation of the regulations on construction, on hygiene or against fire, governing construction operations or safety in mines, is punished:

by a fine of up to five hundred leks, by reeducation through work, or by deprivation of liberty for up to six months.

Article 232

Violation of the Regulations of Safety from Fire

The violation of the regulations on safety from fire by the persons in charge thereof, when grave consequences have been caused, is punished:

by reeducation through work, or by deprivation of liberty for up to two years.

Ninth Heading

Penal Contraventions in the Field of Health

Article 233

Unauthorized Practice of Medicine

The practice of medicine as a profession by a person who has not possessed the right to do so is punished:

by social reprimand, by reeducation through work, or by deprivation of liberty for up to two years.

Article 234

Preparation and Sale of Foodstuffs Dangerous to Health

The preparation, keeping for the purpose of sale, and the selling of foodstuffs and beverages dangerous or harmful to health, when those acts are not provided for as administrative contraventions, are punished:

by reeducation through work, or by deprivation of liberty for up to one year.

Article 235

Pollution of the Environment

Violation of the provisions relating to the protection of the land, natural resources, the waters and the air from spoilage and pollution, when grave consequences have been caused, is punished:

by social reprimand, or by a fine of up to one thousand leks, by reeducation through work, or by deprivation of liberty for up to two years.

Tenth Heading

Penal Contraventions against Socialist Morality

Article 236

Gambling

Gambling is punished:

by a fine of up to one thousand leks, by reeducation through work, or by deprivation of liberty for up to two years.

Eleventh Heading

Military Penal Contraventions

Article 237

Absence without Leave

The absence of a soldier without leave from his unit or place of service for a period of more than 24 hours, or more than one time for a period of even less than 24 hours is punished:

by social reprimand, by reeducation through work, or by deprivation of liberty for up to one year; and when there are attenuating circumstances, the "Regulations on Discipline in the People's Army" will be applied.

The same act, when committed by officers or non-commissioned officers for a period of more than three days or more than one time even for a period of less than three days, is punished:

by social reprimand, by reeducation through work, or by deprivation of liberty for up to two years.

Article 238

Failure to Report to Unit or Place of Service

Failure of soldiers and non-commissioned officers in obligatory military service to report, without reasonable cause, to their unit or place of service for a period of more than 24 hours, or more than one time even for a period of less than 24 hours is punished:

by social reprimand, by reeducation through work, or by deprivation of liberty for up to six months; and the "Regulations on Discipline in the People's Army" will be applied when there are attenuating circumstances.

The same act, if committed by officers or non-commissioned officers in active service for a period of more than three days or more than one time even for a period of less than three days, is punished;

by social reprimand, by reeducation through work, or by deprivation of liberty for up to one year.

Article 239

Absence of Draftees without Leave

The absence without leave of soldiers called up for military training, or their failure to report within the specified time to their unit or place of service without reasonable cause is punished:

by social reprimand, by reeducation through work, or by deprivation of liberty for up to six months; and the "Regulations on Discipline in the People's Army" will be applied when there are attenuating circumstances.

Article 240

Non-execution of an Order

Non-execution of an order is punished:

by reeducation through work, or by deprivation of liberty for up to one year.

The "Regulations on Discipline in the People's Army" will be applied when there are attenuating circumstances.

Article 241

Temporary Evasion of Service

The temporary evasion of military service or the performance of the duties of military service, by damaging one's health, pretending to be sick, falsifying documents or by any other means, is punished:

by social reprimand, by reeducation through work, or by deprivation of liberty for up to two years.

Article 242

Acts Discrediting the Army

The commission by a soldier of acts which clearly impair the prestige and authority of the army is punished:

by social reprimand, by reeducation through work, or by deprivation of liberty for up to two years.

Article 243

The failure to set or send out sentries and persons for escort, without reasonable cause, is punished:

by social reprimand, by reeducation through work, or by deprivation of liberty for up to one year.

Article 244

Violation of the Rules on Sentry Duty

The violation of the rules on sentry duty of a soldier charged with guarding specified objects or with escort duties is punished:

by social reprimand, by reeducation through work, or by deprivation of liberty for up to two years.

Article 245

Damaging of Armaments through Negligence

The negligent damaging of armaments, military equipment or means of communication and liaison given for safekeeping or use is punished:

by reeducation through work, or by deprivation of liberty for up to two years.

Article 246

Misuse, Destruction or Damaging of Articles of Clothing

The willful misuse, destruction or damaging of articles of clothing given for safekeeping or use is punished:

by social reprimand, by reeducation through work, or by deprivation of liberty for up to one year.

Final Provisions

Article 247

The Penal Code sanctioned by law No 1516, dated 7 August 1952 with subsequent amendments, and also the other provisions covering penal acts are rescinded.

Article 248

This Code will go into effect on 1 October 1977.

Tirana, 15 June 1977

Law No 5591.

Secretary of the Presidium of the
People's Assembly of the Socialist
People's Republic of Albania

Telo Mezini

Chairman of the Presidium of the
People's Assembly of the Socialist
People's Republic of Albania

Haxhi Lleshi

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CSO: 2100

EAST GERMANY

THEORY OF HUMAN RIGHTS IN SOCIALISM DISCUSSED

West German Commentary

Bonn IWE-TAGESDIENST in German No 162, 25 Aug 77 p 1

[Report from Berlin: "GDR Jurists Develop New Strategy for Human Rights Debate." A translation of the STAAT UND RECHT article discussed below follows this commentary]

[Text] GDR jurists are presently seeking to develop a new strategy for the East-West human rights debate, as indicated by the East Berlin professional journal STAAT UND RECHT. That strategy essentially comes down to the claim bourgeois human rights could in principle have no importance and validity in socialist society. The traditional bourgeois concept of human rights, the journal says, could not be taken as the point of departure for describing human rights in socialism. Overcoming the bourgeois concept would be the "first prerequisite" for the scientifically sound theory and practice of human rights in socialism which was "diametrically opposed to the imperialist conception of human rights." Even legal forms and juridical concepts of bourgeois provenance employing identical terms did not change the fact that the human rights in socialism were "neither in continuity with nor merely an improvement of the traditional bourgeois-democratic human rights."

As the fundamental value in the system of the socialist human rights the journal refers to the freedom of personality. At present, to be sure, the important aspect of ideological work would be "to make people aware, make them experience their real freedom in socialism." The journal in this connection protests against Western accusations that the interlinking between rights and duties in socialist law would eventually lead to the rights being dissolved in the duties and to a disintegration of human rights in socialist society.

GDR Jurists' Discussion

Potsdam-Babelsberg STAAT UND RECHT in German Vol 26 No 8, Aug 77 signed to press 24 Jun 77 pp 789-797

[Article by Dr Carola Luge, Dr Richard Mand and Prof Dr Rudi Rost, GDR Academy of Political Science and Jurisprudence: "Socialism and Human Rights--Theoretical Aspects of Political Science and Jurisprudence"]

[Text] Under the pretense of the "defense" of the human rights in socialism, and of the "coresponsibility" the capitalist countries have to insuring and protecting them, imperialist ideologists of all shades are engaged in a propaganda and defamation campaign against the cause of peace, social progress and socialism, seeking to interfere in the internal affairs of the socialist countries and to discredit socialism.¹ These attempts reflect the effort "to pose hypocritically as 'improvers of socialism,' to deflect from the ills of imperialism and to undermine the power of real socialism."² Socialism as it really exists has in all phases of its development supplied the evidence, convincingly and emphatically, that the human rights are an inviolable element of social development in socialism. That is objectively conditioned because the realization of freedom and human rights expresses the material class interests of the workers class. Three decades of successful development of socialism in the GDR have documented "that there can be no human and civil rights, no security and freedom of the person, without the broad development of democracy, without sovereignty of the people, without the construction of socialism."³ Socialism, democracy and human rights in indivisible unity undergo a dynamic development as socialism and democracy do per se. Man's freedom from exploitation and suppression, based on the socialist production relations, is an elemental human right in socialism, guaranteed from the start and truly existing. It is the prerequisite and foundation for all rights and freedoms based thereon.⁴

The exercise of political power by the working people, the coshaping and participation by all citizens in the political, economic, social and cultural affairs of socialist society, is the most important basic right in real socialism, gained and constitutionally assured by the workers class and all working people. All basic rights proclaimed in bourgeois constitutions are gaged against capitalist property, inherent to which are exploitation and suppression, and it being the "inviolable" and "sacred" right to which all other rights proclaimed are subjected. That is the reason why the human rights in the capitalist states find their criteria and limits set down by the interests of the bourgeoisie. As all bourgeois law, they aim at bending men under the capitalist mode of production. Those human rights become more and more fictitious and illusory. This tendency of reducing and manipulating human rights reaches its climax under imperialism.

Class-bound as they are, the imperialist ideologists are concealing the fact that the working people in the capitalist countries are disfranchised in the most important field of human activity, that of helping structure, and taking part in, the production of material existence. No capitalist country can

have this right of codetermination by the working people vested in its constitution. No capitalist country can guarantee basic economic and social rights, especially not the right to work, to its working people. Through great propaganda efforts the imperialist ideologists are seeking to conceal the contrast between the working class and capital, which is also revealed in human rights theory and practice. This implacable contradiction, cogently described in the "Communist Manifesto," is increasing in its intensity.

In currency and importance nothing has been reduced of what Karl Marx wrote in his "18th Brumaire of Louis Bonaparte" about the relationship of the bourgeoisie to the freedoms of the citizens, to personal freedom and the freedoms of press, speech, association, assembly, teaching, religion and so forth. Each of these freedoms, to which the opponents of socialism appeal with preference, is proclaimed as civil right by the bourgeoisie, "but always with the marginal note that it is unrestricted provided it is not confined by the 'equal rights of others and by public security' or by 'laws.'" And then Marx wrote: "Each paragraph in the constitution, one must know, has the freedom in the general text and the cancellation of the freedom in the marginal note."⁵ No sooner has the bourgeoisie successfully used these civil rights against feudal reaction and consolidated its power than it seeks to use the bourgeois-democratic rights and freedoms against the workers class and all working people. Manipulation, undermining and degradation of the rights and freedoms, in an open or concealed manner, become the standard procedure employed by the monopoly bourgeoisie and its ideologues. That is the reason why the human rights today eventually disclose themselves as monopoly capitalist rights. In the United States, the bastion of imperialism, no right to work is guaranteed in the constitution, no right to education is brought to realization, persons who differ in their political views are persecuted, thrown into prisons and murdered. The colored people are excluded from basic rights altogether. International law is despised, crimes against international law are being committed. The United States has not joint 18 of the 22 UN human rights conventions.⁶ The monopoly capitalist system of domination, its state power and its law are opposing social progress with brute force. Thereby they are unscrupulously violating the basic rights of men and nations. The struggle against imperialist reaction and for democratic renewal, including the basic rights and freedoms of the working people, now becomes a crucial daily task of the workers class in the imperialist states under communist party leadership and a fundamental precondition in the struggle for peace and social progress.

That social reality directed against man, as inherent in the system of imperialist supremacy, makes impressively stand out the basic rights achieved and guaranteed in real socialism and their conformity with the interests and needs of men. Based on the rights to all citizens' codetermination and participation in the affairs of the state and society, there are furthermore set down and guaranteed, as well as brought to realization in public life, the most far-reaching rights of the working people in all socialist constitutions. These basic rights are being more strongly developed with the further shaping of the developed socialist society. Human rights in socialism as a complex of material and intellectual goods as well as of high social values

for the working people and socialist society are indicative of its social progress. They are legally secured and insured by a comprehensive system of guarantees and concretely reflect the quality and the high level of the socialist way of life as it conforms to social development in socialism.⁷

The Marxist-Leninist theory of state and law has to make an important and, at the same time, a specific ideological-theoretical contribution to the human rights issue as it has come to occupy now the center of the ideological debate between capitalism and socialism. It has to explain and convincingly demonstrate the completely new quality of human rights and freedoms in socialism in the creation and development of socialist society as the outcome of the seizure of power by the working class. The basic rights and freedoms achieved by the working class are based on the progressive and democratic demands by the rising bourgeoisie for liberty, equality and fraternity.⁸ This can, however, not be interpreted as if there were a continuity between human rights in capitalism and in socialism. Human rights in socialism are human rights of a qualitatively new type. The human rights as proclaimed by the bourgeoisie for all intents and purposes remained theory, abstract human ideas and ideals of liberty, equality and fraternity. The working class did fight for them, and it does fight in today's capitalist society for democratic rights and freedoms and for better conditions for the working peoples' struggle. For defining social rights in socialism, for determining their essence and substance, the traditional bourgeois concept of human rights can, however, not be taken as the point of departure.⁹ Overcoming it in the dialectical sense is the foremost prerequisite for the scientifically sound human rights theory and practice in socialism, which is diametrically opposed to the imperialist conception of human rights. Even legal forms and juridical concepts of bourgeois provenance employing identical terms do not change the fact that human rights in socialism are neither in continuity with nor merely an improvement of the traditional bourgeois-democratic human rights.¹⁰

That consequence already resulted from the character of the so-called bourgeois human rights as worked out by Marx. "The human right of private property thus is the right to enjoy one's fortune arbitrarily, irrespective of other people, regardless of society, and to dispose of it, the right of self-interest. That individual freedom, as much as the use made of it, forms the basis of bourgeois society. It makes each man find in others not the realization, but rather the barrier, of his own freedom."¹¹ And so he concluded: "None of the so-called human rights thus transcends egoistic man, withdrawn as he is, as member of bourgeois society, onto himself, his private interest and his private caprice, an individual severed from the commonweal."¹² This individuation of the individual and the right to property become the basis of the legal order in bourgeois society.

For the first time in socialist society it is where the human rights, vested in the socialist constitution, as basic rights and freedoms of the working people, constitute a social value for the socialist society and its citizens. In proving that fact, we are making a contribution to the debate with bourgeois ideologists who are claiming, against their better knowledge, that rights in socialist society are conceived of only as a social good for society, and not for the individual, wherefore they could not embody any genuine social value.

The fundamental value in the value system established through the human rights in socialism is the freedom of personality. Human rights in socialism determine the degree of freedom of personality and aim at its total realization. Socialist human rights insure not only the freedom for something, that is to say, for the active, creative activity of the personality on the basis of consciousness gained of necessity, but also the freedom from things, that is, from illegal restraints and interference in the life of the personality.¹³

The steady consolidation and strengthening of socialist legality, that basic principle for the work of the socialist state power and of all forces bearing social responsibility, offers the guarantee for the observance, full exercise and protection of the citizens' rights. The socialist state creates ever more effective conditions for a broad spread of the struggle against violations of the citizens' rights by the co-workers in state organs, enterprises and facilities and the citizens themselves and takes various measures for recovering and securing the citizens' rights. That implies that the state and economic organs eliminate certain obstacles to realizing the citizens' rights and insure favorable conditions and extensive possibilities for their realization.¹⁴

An example that shows that the citizens are assuming their democratic rights and thereby engage themselves in creating prerequisites for socially safeguarding those rights is the struggle for the title "area of exemplary order and security" that is taking place in the towns, residential areas, communities, enterprises and work collectives. Such a social mass movement in which the citizens themselves are actively involved in insuring legality, order, security and discipline, including the safeguarding of the citizens' rights, would be inconceivable in capitalism.

At present, in our ideological work and management activity it is crucial to make people aware, make them experience their real freedom in socialism.¹⁵ An essential part of that is that they come to understand as an expression of freedom and its realization such decisive human rights as social security, the right to work, all round educational opportunities for all working people, a life without existential anxiety and the certitude of sure prospects, which all can be taken for granted in our everyday life.

The creative codetermination of the socialist state and legal order, public discussions of party policy as practiced, for instance, in preparation of the Ninth SED Congress, are firm components of state and political life in the GDR. As result of the development that has taken place in the socialist countries it may be said that the rights and freedoms that are reflecting the variety and breadth of socialist democracy have already entered "the habit and psychology of people and become an irrevocable component of the socialist way of life."¹⁶ The great social value of these rights and freedoms, expressed above all in establishing and realizing the freedom of personality, in bringing about actual equality of men in socialism, in achieving social justice and in the use and assumption of material and intellectual goods of socialist society, must be further elaborated by Marxist-Leninist theory of state and law.

Its ideological content, which ultimately lies in the deep humanism of socialist human rights and freedoms, has to be clearly defined. It is not only of importance here to prove the humanistic character and social value of the basic socialist rights as such, but one must, above and beyond that, furnish an extensive presentation of the special value, the goals, the degree of reality and the direction for the requisite further development of particular, especially important basic rights for man and for socialist society,¹⁷ as was convincingly documented, for instance, by what the Ninth FDGB Congress did with the right to work.¹⁸

Through the seizure of power by the workers class the right to work was gained, vested in the constitution and further developed in the process of socialist construction. It insures the right to a job and its free choice in accordance with social requirements and personal qualifications. This fact per se is an important and genuinely humanitarian step forward, and it is implicit in the socialist social order itself. Under the conditions in which the workers class develops its power in the socialist state and social order the basically new character of labor is being molded more and more. Under socialist production relations it has become the working people's consciously creative activity. It fosters their development into socialist personalities who actively assume their social responsibilities as owners of the means of production and in the exercise of power. In the developed socialist society the creative character of labor assumes a new quality principally through the process of scientific-technical progress. General education and vocational skills improve, whereby the conditions expand for participating in production management, planning and control as much as in all other state and social affairs. These social processes also are reflected in the labor law provisions given to the right to work which are taking account of, and provide legal sanction for, these new qualitative features and criteria of labor in the developed socialist society.

The new quality of human rights in socialism is found mainly in that human rights in socialist society are not merely proclaimed but guaranteed, insured and protected. That means -- as Lenin already observed -- also creating greater material possibilities in order to attract ever broader masses of the working population to democratic participation.¹⁹ If the basic human rights are to be "effective, they must above all be real, and the foremost task of state power lies in creating the kind of economic and political conditions that will also make possible the real enjoyment of the basic rights."²⁰ The reality of the human rights in socialism is insured through extensive material, political and legal guarantees, which can be further developed and extended. They are set down in the basic law regulations. That applies to the socialist economic system and to socialist property as much as to the whole political system of socialist society under the leadership by the Marxist-Leninist party as a system of socialist democracy. Of special importance in the socialist system of human rights guarantees are the legal means for these guarantees in their variety and breadth.

The fundamental legal guarantee now is found in the legislative enactment of the human rights in the constitutions of the socialist states and in their legal specifications and development in conformity with social development by means of further authoritative socialist legal regulations. The human rights in socialism furthermore are also guaranteed through their close interrelationship and interlinking with important constitutional obligations. These obligations of the citizens, state organs, social organizations and enterprises become, by being fulfilled conscientiously and consciously and through discipline, the crucial guarantees and safeguards of the human rights, and they simultaneously create the preconditions for their continuing development in the further shaping of the developed socialist society and for the gradual transition to communism.

Imperialist ideologues have come up with the reproach that the interlinking and interrelationship between rights and duties immanent in socialist law and inherent in the nature of socialism itself would lead to a fusion of rights and duties, to the rights being dissolved in the duties, which would ultimately mean the disintegration of human rights in socialist society and the total negation of the rights. They claim the legislative enactment of the unity of rights and duties would result in an "endangerment of freedom," a loss in freedom. The attempt is made to prove this endangerment of freedom by reference to, of all things, as basic a social human right as the right to work, as indicated by the conclusion drawn, which says: "If however the job opportunity is created by, for instance, a hiring obligation imposed upon private enterprise, equality is realized yet at the expense of freedom. To avoid the loss of freedom, one should rather understand the basic social rights, not as actual demands individual citizens may make but, exclusively, as a binding legislative and government program."²¹ Behind this formal interpretation of the equality concept there is hidden, actually, the freedom of the exploiter class,²² its being released from the duty to create jobs, insure social security and full employment for all working people in capitalist society today.

The unity of human rights and fundamental duties in socialist society follows from socialist democracy as the main direction in the development of socialist statehood, depending on the close connection between creativity, activity and initiative and discipline, organization and responsibility by the members of socialist society as given legal expression in the unity of rights and duties. In this unity of human rights and fundamental duties, indicating and reflecting a high level of development in socialist democracy, the conscientious and consistent fulfillment of duties becomes an important precondition and guarantee for the full assumption and realization of human rights in socialist society.

It is precisely because human rights, basic rights and freedoms are guaranteed, not only by the constitution, but fully throughout the everyday life of society in the GDR, based on new and just power and property relations, that the population is so firmly tied to its workers and farmers state, and is strengthening it constantly for its own good.²³

FOOTNOTES

1. Cf. "What the Shouting About 'Human Rights' Is All About," PRAVDA, 11 February 1977.
2. "The Party's Further Mass Activity Tasks," NEUES DEUTSCHLAND, 21/22 May 1977, p 4.
3. K. Polak, "No Human Rights Without Socialism," NEUES DEUTSCHLAND, 18 April 1963, p 1.
4. Cf. E. Poppe and A. Zschiedrich, "Freedom and Exploitation -- Socialist Basic Right and Human Right," STAAT UND RECHT, 1977, pp 341 ff.
5. K. Marx/F. Engels, "Werke" (Works), Vol 8, Berlin, 1960, pp 126 ff.
6. Cf. NEUES DEUTSCHLAND, 9 June 1977, p 5.
7. Cf. W. Lamberz, "Our Party in Confident Dialog With the Entire People of the GDR," NEUES DEUTSCHLAND, 26 May 1977, p 3.
8. Cf. H. Klenner, "Human Rights in the Class Struggle," EINHEIT, 1977, p 157.
9. Cf. T. Mauntz, "Deutsches Staatsrecht" (German Constitutional Law), Munich/West Berlin, 1957, p 82; M. Cranston, "What Are Human Rights?" London, 1973, p 21; A. Khol, "Der Menschenrechtskatalog" (The Human Rights Catalog), Vienna, 1968, p 9; K. Strupp and H.-J. Schlochauer, "Woerterbuch des Voelkerrechts" (International Law Dictionary), Vol 2, West Berlin, 1961, p 504; E. Kroker and T. Veiter, "Rechtspositivismus, Menschenrechte und Souveraenitaetslehre in verschiedenen Rechtskreisen" (Legal Positivism, Human Rights and Sovereignty Doctrine in Various Legal Circles), Vienna, 1976, pp 69 ff.
10. Cf. W. Buechner, E. Poppe and R. Schuesseler, "Problems and Tasks in the Exploration and Realization of the Basic Rights and Duties of the GDR Citizens Throughout the Comprehensive Construction of Socialism," "Demokratie und Grundrechte" (Democracy and Basic Rights), Berlin, 1976, p 31.
11. K. Marx/F. Engels, "Werke," Vol 1, Berlin, 1956, p 365.
12. Ibid., p 366.
13. Cf. M. F. Orsikh, "Right and Personality" (in Russian), Moscow, 1975, pp 86 ff, p 91.
14. Cf. P. Kerimov, Y. Ilyinski and G. Maltsev, "Personality and Right," IZVESTIYA, 13 February 1976.
15. Cf. W. Lamberz, op. cit.

16. Cf. P. Kerimov et al, op. cit.
17. Cf. H. Klenner, "Concerning Basic Rights Problems With Which We Have Not Yet Come To Grips," "Demokratie und Grundrechte," loc. cit., p 119.
18. Cf. in particular Harry Tisch, "The FDGB--Active Coshaper of the Socialist Society in the GDR. From the FDGB Executive Committee Report to the Ninth FDGB Congress," NEUES DEUTSCHLAND, 15 May 1977, pp 3 ff; E. Honecker, "We Have a Program of Growth, Prosperity and Stability," Ibid., 18 May 1977, p 3; "The SED Central Committee Greetes the Ninth FDGB Congress," Ibid., 16 May 1977, p 1; W. Thiel, "The Right to Work and the Development of Personality," Ibid., 4/5 June 1976, p 10; F. Kunz and G. Schuessler, "The New Labor Code -- Important Tool for Shaping the Developed Socialist Society," STAAT UND RECHT, 1977, p 229.
19. Cf. V. I. Lenin, "Werke," Vol 36, Berlin, 1962, p 495.
20. O. Grotewohl, "Interim Balance Sheet Number One for the Constitutional Debate," "Im Kampf fuer die einige deutsche demokratische Republik" (In the Struggle on Behalf of a United German Democratic Republic), Vol. 1, Berlin, 1959, p 82.
21. H. Krueger, "Allgemeine Staatslehre" (General Political Science), Stuttgart, 1964, p 532.
22. Cf. E. Poppe, "Menschenrechte -- eine Klassenfrage" (Human Rights -- A Class Issue), Berlin, 1971, p 77.
23. Cf. Comrade Erich Honecker, "Aus dem Bericht des Politbueros an die 5. Tagung des ZK der SED" (From the Politburo Report to the Fifth Session of the SED Central Committee), Berlin, 1976, p 12.

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EAST GERMANY

ACADEMICIAN DISCUSSES PROBLEMS OF PERSONAL FREEDOM

West German Commentary

Bonn IWE-TAGESDIENST in German No 181, 21 Sep 77 pp 1-2

[Report from Berlin: "SED Ideologue on Personal Freedom of GDR Citizens."
A translation of the SAECHSISCHE ZEITUNG interview referred to below follows
this commentary]

[Text] The opinion by many GDR citizens that the Helsinki Conference had "authoritatively established norms for the personal freedom of men" has now been rejected by the East Berlin social scientist Prof Dr Wolfgang Eichhorn, member of the SED. In an interview with SAECHSISCHE ZEITUNG of Dresden concerning problems of personal freedom for the GDR citizens, Eichhorn stated that opinion was "an error." Every social order had "its own criteria for personal freedom." About their internal order the participating states would have to make their own decisions; that had been made "perfectly clear" at the Helsinki Conference.

The SED social scientist, who is the director of the historical materialism program at the Central Institute for Philosophy at the GDR Academy of Sciences, criticized in this connection "the superficial and irresponsible babble" by Western politicians and mass media about right and freedom. Personal freedom was not "anarchy, license, the shedding of responsibility" but it was the "systematic shaping of social development based on scientific insight and the individual's active, creative participation in it with initiative." The GDR citizens experienced that freedom "to a much larger extent they are normally aware of." Their "sense of freedom" should have to be "controlled by understanding and awareness."

Moreover, Professor Eichhorn emphasized, freedom was "no static condition but marked by historic growth." For instance, from the SED's economic and social program "increasingly greater impulses emerge for an increase in social as well as personal freedom." The ideologue did grant that there were obstacles in the GDR to the development of freedom. The bureaucracy, for instance. If, for example, some functionaries tended to settle issues affecting the life of the citizens administratively, that would contradict "the claim to freedom by the individual."

Professor Eichhorn's Views

Dresden SAECHSISCHE ZEITUNG in German 17-18 Sep 77 p 3

[Interview by SAECHSISCHE ZEITUNG (SZ) editors Hans Pietschmann and Joachim Seliger with Prof Dr Wolfgang Eichhorn, member GDR Academy of Sciences and Academy of Pedagogical Sciences; director, Historical Materialism program, Central Institute for Philosophy at Academy of Sciences: "How Free Is the Citizen of the GDR?--A Dialogue on Problems of Personal Freedom"]

[Text] Comrade Wolfgang Eichhorn is 47 years of age and stems from a working family. He was born in Schoenbrunn, Suhl Bezirk.

He studied the social sciences at Jena's Friedrich-Schiller University and later worked as a science associate at Berlin's Humboldt University. Comrade Eichhorn got his Ph.D. in 1956. After having started his academic career in 1965 he became an associate at the GDR Academy of Sciences.

[Question] There are readers who think the Helsinki Conference had set down authoritative norms for the personal freedom of men. What can one say about that?

[Answer] That is an error. Every social order, after all, has its own criteria for personal freedom. About their internal order the signatory states have to decide themselves; that has been made perfectly clear at the Helsinki Conference. To that extent then the opinion suggested by your question is directly contrary to the end results of Helsinki. By the way: If you want to find out about the most progressive status of personal freedom rights in our time, then look at the draft of the new Soviet constitution. Yet I would not like to be misunderstood. The Helsinki Conference certainly has done a great deal for human freedom. It has more deeply anchored the Leninist principles of peaceful coexistence. Thereby it has made a great contribution to the elemental freedom rights of men to their lives, to freedom from atomic destruction, the scourge of war and misery. And it has corroborated the peoples' freedom right to determining their own political, social, economic and cultural life without any external tutelage.

[Question] Then you think that personal freedom must always be associated with the great issues of to be and not to be of humanity and with social progress?

[Answer] Naturally. With what else, if not first with that? Freedom, you know, is a serious business. Superficial and irresponsible babbling about right and freedom is typical of the politicians and mass media among our adversaries. They need that kind of mental cheating to supplement their neutron bomb diplomacy and their attempts at poisoning the international atmosphere. When we communists talk about freedom rights we do not waste our words. We consciously assume a responsibility to history, human progress,

and the protection and development of civilization and culture. We are placing the emphasis on the interests and rights of the working people, on their liberation from exploitation. Anyone who would wish to separate those considerations from the concept of freedom either is untrustworthy or is pursuing most dangerous illusions.

[Question] But if someone is to be sure of his freedom he must also be able to sense it as personal freedom, everyday, as it were. How can the GDR citizen measure the degree of personal freedom he has?

[Answer] This calls for some understanding of the meaning of freedom. Personal freedom is not anarchy, license, the shedding of responsibility, in short, it is not a negative matter. Freedom must give people something, it must be something practicable, a positive matter. Freedom, Marx once said, is the positive power of man to bring his true individuality to bear. That is what counts. That is why we are orienting ourselves toward the steady improvement of the working people's working and living conditions, their social safety and confidence in the future. That is why we are doing so much for materially insuring at an ever higher level the citizens' freedom rights, such as the right to work and to education, the protection of health and so forth. And that is why our party is working for an ever more active participation by the working people in state policy and in the development of science, the economy and culture. That is the kind of freedom that can be experienced among us, and I maintain that this freedom is being experienced by our citizens day after day to a much larger extent than they are normally aware. Freedom is the systematic shaping of social development based on scientific insight and the active, creative participation, with much initiative, by the individual in it. And that requires expert knowledge.

[Question] But this surely cannot only be a matter of expert knowledge. What about tradition and sentiments? Don't they play a part in the experience of freedom?

[Answer] Certainly. I did have the tradition in mind when I previously referred to the responsibility to history. Millions and millions of people have fought and suffered, especially since the end of the Middle-Ages, for freedom from exploitation and suppression, from ignorance and prejudices. Countless songs and poems testify to that. We are placed within the tradition of all the fighters for freedom and progress, from Thomas Muentzer to Ernst Thaelmann, from the Paris Communards to the antifascist resistance fighters. During the antifeudal struggle the idea of man's reasonable self-determination was born. How can man rationally understand his environment, nature and society in order to mold them reasonably in accordance with his interests? That was the great question of freedom. The answer could only come from Marxism-Leninism, and it has been and is being settled practically by real socialism. That also places us within the tradition of the October Revolution, the moment of freedom's birth for toiling mankind through the elimination of exploitation.

[Question] And what is the role that sentiments play?

[Answer] That is an important and interesting question. Without the feeling of freedom there is no consciousness of freedom. Yet feelings also have to be controlled by understanding and awareness -- especially so in matters of freedom. You see, this precisely is the motto of the bourgeois ideology: The more total the actual servitude of the working people is, through capital, the crisis, unemployment and the finance maneuvers of the monopolies, the greater is the mass production of freedom illusions. But we are concerned with the genuine feeling of freedom, based on real facts. That comes out of the working people's experience telling them that they are masters in their own home, live and work under social security, that they and their children have a secure future, are wanted and needed by society, and that they are respected for the distinction earned by honest socialist work for the benefit of all. Such feelings are powerful impulses in our life.

[Question] Give that a practical test. Let us use as a practical example the choice of a job. Have there not been tens of thousands of parents and their children who in recent months also have run up against restraints to their personal freedom in our country?

[Answer] I think it more precise to say that freedom is no wishing and wanting in a vacuum but a relationship the wishing and wanting man maintains with social reality. A job choice depends not only on the inclinations of an individual but also on his abilities and on the social requirements.

[Question] Or, simply stated: Not all graduates can become barbers; no society could absorb that.

[Answer] The most important social requirement simply is first to interest graduates in those trades that would be of the greatest use to the people. That this sometimes appears to an individual as a restraint to his personal freedom is something I do not deny. Nor do I deny that personal conflicts and difficulties might arise here. Marxism-Leninism has never made the claim that personal and social development always should have to coincide from the outset.

[Question] That evokes the slogan "freedom as obligation."

[Answer] And this in two respects. First of all I must remind you that freedom is serious business and that one must fight against any irresponsible toying with the idea of freedom. And then, I would have a hard time imagining that someone who knows unemployment only by hearsay and who has gotten used to the cost-free education and health care and many other achievements of our state, and who takes the social and freedom rights of our system for granted, using them as he sees fit for himself and his family, that such a person could then not also comprehend and sense that he thereby does assume some obligation. What would such a person be like? And the obligation also includes that one will vigorously stand up for this state and social order.

[Question] The adversary now is pestering us on all and sundry occasions by saying it is necessary to attach "libertarian features" to socialism. Have we permitted these ruminations about freedom to impose a debate upon us?

[Answer] That may well seem that way if one goes by the decibel rate. But the volume of sound in the adversary's "freedom propaganda" can scarcely conceal the defensive historic position out of which it comes. We rather go along with Gerhart Hauptmann who reportedly said to an actor during a rehearsal that someone who holds a sword in his hand need not shout on top of that. Our conception of freedom can do without all that loud noise and glistening appearance. It is alive -- though still unnoticed by some -- in our everyday and frequently hard work in shaping socialism. And that is the one side of the coin.

The other side, to be sure, is that our theoreticians, propagandists and journalists are still doing far from enough in aggressively disseminating as convincingly as possible the truth about real socialism among us and all over the world. If we are discussing freedom more and more, it is a necessary element in our development in the target-oriented realization of our party program.

[Question] That is to say that in socialism man can always unlock new freedom spaces.

[Answer] Freedom is no static condition but marked by historic growth. This is revealed to all by our party program. For instance from our economic and social policy increasingly greater impulses emerge for an increase in social as well as personal freedom. Each step that improves economic efficacy, the consistent use of science and technology, and managerial activity means to us another step toward great social and hence, greater individual, freedom. For filling in such freedom spaces, subjective prerequisites are of course required too, such as the ability to make decisions based on expertise, to subordinate oneself and to be creatively active. Through that kind of interplay alone social freedom becomes personal freedom.

[Question] Would one then not have to say that bureaucracy and heartlessness are definitely blocking the development of freedom?

[Answer] That really is the case. If, for example, some managers tend to settle issues deeply affecting the lives of the citizens administratively instead of choosing the difficult road via indoctrination and involving the people, this then contradicts not only our socialist democracy but also the individual's claim to freedom. The development of social as well as personal freedom thus comes down to creating ever more favorable conditions for the development of individual capabilities and facilities, for the development of the socialist way of life.

[SZ] Thank you very much for this interview.

QUALITY OF WORK VIEWED BEFORE PZPR ELECTIONS

Warsaw TRYBUNA LUDU in Polish 27 Sep 77 p 5

[Article by Stefan Janusiewicz: "Quality of Party Work"]

[Text] There is an atmosphere of political activity which is accompanying the reporting and elections campaign of the Polish United Workers Party. The summation of the record of achievement, evaluation of activity, translating the plan of work for the next term into concrete actions, and the elections themselves are always an ideologically, politically and socially important event in our party. The present campaign did not begin this political activation so much as it entered into the previously existing broad current of active political operations involving party organizations and departments at all levels.

The resolution of the Seventh Party Congress, the decisions of the Fifth and Sixth Central Committee Plenums with a scale of economic maneuvering in our country, the hypotheses of the Seventh Central Committee Plenum on party tasks in deepening the socialist awareness and patriotic unity of the nation and extending over a very broad period of time, and the recent control plenary sessions of the voivodship committees prior to the Ninth Central Committee Plenum have all played an important role in raising requirements in terms of party work in party departments and organizations.

In a natural fashion individual responsibility of party members for straightforward implementation of achievements of higher quality of work and living conditions of the nation through work within the party, goals which are the top target of the program, also increased.

The past course of report and election meetings, the manner of evaluating the place of the party organization in the employee group and rural milieu, the course of discussions at these meetings, and the resulting deep analysis of the political activity of party members among nonmembers allow us to say that we are dealing with factors which have a new quality. What sort of factors are they?

First, we can see a clear shift in the center of gravity of direct party, political, and ideological work from the echelons at the highest level, from the parish and plant committees to department organizations and party groups. In other words this weight of political responsibility is more rationally distributed over a broader group, but the most important thing here is the increase in the political rank of the action of the party group.

The campaign in progress confirmed once more that the party group is a decisive party link in strengthening bonds with nonmembers and is a school of political responsibility for the ideological and moral attitudes of the group in which it works. The course and temperature of the discussion in party groups, the naming of candidates for group leader from among the best, and the requirements which most of the groups set for themselves show the scope of this process.

Secondly, grass-roots initiative for personally taking on the agitation functions of the party emerges in the course of the discussion and crops up in the suggestions drawn up at the report and elections meetings of party groups and party department organizations to a greater extent than ever before. Agitation as the task of every party member is not in such cases merely the directive of the Seventh Party Plenum. It is an internal need of party members who want and are able to carry on a dialogue with their coworkers about everything which is part of the life of the country and the life of Poles.

Wise, frank talks between the party leadership and the society must also be accompanied by a clear, understandable dialogue which party members conduct in the place of employment and residence. The verifiability of our party word is also revealed in carrying out great national socioeconomic dreams, as well as in the quality of work, reliability, and goodwill of the party member as seen from the neighboring work station.

Third, during the present campaign there has been particular emphasis on the qualitative factors of our professional work in the discussions. The manner of addressing these demands is especially valuable here, not only for the people who turn out production rejects, outside the place of employment, but for ourselves, our own colleagues and comrades, our own collective group.

We have devoted a great deal of space to the methods that the crew leaders, foremen, department managers, and directors use in organizing work. The campaign has already revealed the condition of the causes and the effects of organizational failures which are an important, noticeable factor which holds up progress, under the conditions of dynamic economic and social development. A general demand for more rational organization of production, transportation, services, and cooperative links, with the thrust of the demand aimed not only vertically or horizontally but also at itself, has the greatest chance of being accomplished if there is a universally critical and self-critical attitude.

Discussions on these subjects are a special sort of review of work organization, production, and management. It is in all respects essential for the administration of plants and the leadership of industrial associations and ministries to know how to become familiar, of their own initiative, with the course and sound of a discussion.

Fourth, the past course of the broad stream of discussions has been assessing the attitudes of party members concerning manifestations of the violation of socialist principles of behavior and communal living. The views generally expressed are contrary to the attitude of passive observation of injustice, improper treatment of people, imprecise evaluation of their record of achievement, and failure to consider the opinion of the group. This is the sort of social evil which we cannot combat with decrees or directives.

The fact that these party organizations are setting up a struggle for the operation of socialist social standards is the best demonstration of their deep connection to the employees' opinion and life. Against this backdrop it is worth pointing out this current in the past evaluation of the work of the offices and institutions as conducted by the party organizations which operate there. Here the questions of bureaucracy, official delays, and the careless attitude toward people who come on business were not narrowed down to individual dimensions. We must use all our might to support those voices, those evaluations, and those attitudes which talk about the fact that on the traditional line between the government and the citizen we need not only propriety in the administrative handling of the citizen but also constant readiness to improve the manner of working and the essential anticipation of needs. It is not the person coming on business who is supposed to assert his rights. It is the official who is supposed to make them known to him. This program of effective administration has not been undertaken in all party organizations in offices and bureaus.

These qualitatively new elements in the political activity of party organizations and groups are only the first phase of the PZPR reporting and elections campaign. The next weeks will enrich this important political campaign, and will deepen and monitor past assessments. The democratism of our current discussion in the party, and its wealth and variety represent an important element in the further enrichment of the quality of party work. On the other hand, the quality of this work will help to develop an unbreakable bond between the party and the society.

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POLAND

GIEREK ADDRESSES PARTY TRAINING INSTRUCTORS

Warsaw TRYBUNA LUDU in Polish 28 Sep 77 pp 1,4 AU

[Report on speech by PZPR First Secretary Edward Gierek at his 27 September Warsaw meeting with leading party training instructors from all over the country]

[Text] E. Gierek thanked the participants in the meeting and all party training instructors and lecturers throughout the country, who total many thousands, for their selfless and fully committed performance. He stressed the important role of party training in implementing our socioeconomic tasks. The attention of the entire party and all the working people is centered on the favorable implementation of the resolutions adopted by the Fifth Central Committee Plenum in order to concentrate all the resources on developing the production for the market and exports, to accelerate the rate of housing construction and to raise agricultural production. The coming Ninth Central Committee Plenum will be devoted to these issues. It is our wish that this plenum amounts not only to the completion of a certain phase of our work to implement our economic maneuver, but primarily to an intensification of this maneuver and to a prompting of further progress in management effectiveness. The potential for meeting our people's growing needs is latent primarily in increasing the productivity and effectiveness of work, in better work organization and discipline and in a higher quality of products.

Against the background of the tasks now facing the party and the state E. Gierek stressed the need to search for the forms of ideoeducational and training work that make it possible to reach every party member individually and to create opportunities for direct contacts. Exactly such work is most effective and produces the best results.

Highly appraising the social and political activities of the broad party aktivs of party instructors and lecturers, E. Gierek drew attention to the importance of the efforts to constantly promote discussions with the working people, to utilize conclusions stemming from such discussions and to search for the point up new and better solutions in every area. Ideoeducational activities should serve as a platform for daily talks about the country's problems and should help foster one's thinking in the categories of the nation and the state.

In conclusion E. Gierek wished the participants in the meeting and all party training instructors and lecturers successes in political work.

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LETTERS AS MEANS OF PARTY-PEOPLE CONTACT DISCUSSED

Warsaw NOWE DROGI in Polish No 6, Jun 77 pp 40-51

[Article by Zygmunt Oleniak, PZPR Central Committee member and Director of PZPR Central Committee Bureau of Letters and Correspondence: "Letters, an Important Source of Information and an Instrument of Social Supervision"]

[Text] In the most recent period the party has been giving particular attention to bolstering social control at all levels of management and at increasing its effectiveness. The purpose of this is to uncover and eliminate from our life everything that interferes with or slows up the rapid, consistent implementation of the program of socioeconomic development laid down by the Sixth and Seventh Party Congresses. These problems have once again been brought out in a Central Committee Politburo resolution on the role of press criticism and in the content of the Seventh Plenum of the Central Committee. The forms of control are varied. Letters, complaints, and indications from the society are one of them. They make it possible to detect many weak points in our life, to find out the causes underlying them, and gradually to eliminate the complaints. This helps to increase trust in the party and to deepen its moral authority.

An analysis of the content of letters sent to the Central Committee and local party echelons shows the deepening process of citizens' social approach to the socioeconomic phenomena taking place in our country. Correspondents are linking the solution of their own problems more and more with the economic situation of the country and the changes taking place in the general development of the state. The mutual relationships between the implementation of party policy and the possibility of handling private matters are being noted with increasing frequency. It is true that letters and verbal interviews are dominated by private matters, personal problems, sore points, and difficulties which working people encounter every day, but these are not just complaints, grievances, and grudges. At the same time remarks, observations, and proposals for resolving a given problem on the scale of the plant, parish [gmina], town, or even the country are stated. Many of these suggestions and postulates are characterized by the social commitment of the originators of schemes and by the constructive quality of thinking.

It is worth emphasizing that people are viewing far more severely than they did in the past any type of impropriety which holds up implementation of the party program. Waste in the economy, low-quality goods, a large number of flaws in housing or social construction, and poor operation of domestic trade and services are the focal points of the most severe criticism. The view of everything which slows up agricultural production growth and the development of the whole food economy complex has become much more severe. Particular emphasis is placed on the issues of rational and more effective management of land and the systematic and prompt supply of essential materials and means of production for farmers, that is, industrially-produced feed, coal, fertilizers, building materials, and machinery and equipment. The problems of social discipline in various sectors of our life are being brought up with increasing frequency. During the latter half of last year the problem of so-called quiet price rises was raised, sometimes in a severe form. It was treated as license on the part of the management of certain enterprises and industrial associations, as a manifestation of the breakdown of socialist discipline. It was in this same way that people talked about the removal of cheaper items from the market. The opinion was expressed that the shortage of many items on the market and also the "quiet" price hikes were having a bad effect on social discipline, productivity, and the climate and atmosphere in the places of employment.

Many letters pertain to human relations, social and existential matters in the place of employment, and problems of thrift, and the quality of production and services for the population. It is characteristic that many letters come from certain localities, they are sporadic in coming in from others, and there are none at all from some. This is not related to the size, industrial sector, or place in which a plant is located. It is therefore useful to follow this phenomenon and to determine the causes which underlie charges of poor human relations. Both the analysis of letters and signs of various sorts and the examination of many issues shows that one of the main causes of the complaints is the enterprises' party-economic leadership's lack of skill in associating production growth and improved operating effectiveness with daily concern for the working forces and with their working conditions, socioexistential affairs, recreation conditions, and commute to work. Another no less important factor is the lack of qualifications or exceptionally poor organizing and management skills, the abuse of coworkers and subordinates, and even plain bad manners.

The resolution of the Seventh Party Congress charges the places of employment with the task of skillfully linking production and economic targets to the solution of employee issues. Many party echelons and organizations have a significant record of achievement in this area. In many plants employee matters are the subject of constant concern on the part of union and party organizations. Social control of the administration and the liberation of worker initiative help to increase production and work productivity and make it possible to create correspondingly better, safer working conditions. Such efforts create a climate of trust and build up the moral authority of the party in these plants.

But the opposite happens too. There are plants from which signals of impropriety in this area flow. Sometimes, in the race for production and economic effects the administration forgets that it is necessary to handle employee matters concurrently. It also happens that concern for improving working conditions and for the condition of social and health facilities are treated as a less important, lower-level task. Sometimes there are not adequate funds for these things, or economies are even made in this area. In this way some directors are trying to earn the reputation of being "thrifty and careful" in the minds of their superiors. The fault for this situation, which fortunately occurs only in a few enterprises, should be laid at the door of both the directors and the industrial associations, which forget about the employees, the creators of production. Hence, we should remember here one of the fundamental principles of our regime, a principle formulated by First Secretary E. Gierek, that socialism is being built for people and by the people.

The commute to work is the cause of many irritations, complaints, and conflicts. Often, a substantial proportion of the working forces live in rural areas and commute to the plant every day. In some plants 65-70 percent of the workers are people with "two vocations." This creates many complicated problems and has a direct effect on social discipline, production results, work productivity, and the condition of human relations in the department or throughout the plant. With transportation which is not entirely effective, things often reach the point of sharp remarks back and forth and clashes between employees and supervisors. Things go better where the plant management itself sees to it that the means of transportation run according to plan. Many misunderstandings arise in planning vacations, because almost all the peasant-workers would like to go on vacation when field work is at its peak. This cannot always be reconciled with ongoing production plans. During this period there is an increase in sick leave taken. There is a special sort of conflict, because on the one hand it is very important to harvest grain and root crops on time, and on the other hand it is also very important to keep industrial production and construction going at an even pace. Hence, it is necessary to seek solutions to ease these conflicts. The plant party organizations and employee collectives can best resolve them, because coworkers, often neighbors, are in the best position to evaluate the attitude and work effects and to make a statement, for example, on the need to grant vacation leave at a given time. Certain fundamental party organizations discuss these problems at party and department collective meetings. This produces good moral-training effects, as expressed, for example, in the decline in unjustified absences and in the reduction in regulation penalties.

Relations between subordinates and superiors and the attitude toward people who do good work play an important role in structuring the proper climate. An analysis of the situation in many enterprises shows continual, systematic progress in this area. More and more plant party organizations are attaching great significance to the creation of the proper, direct plane of contact between the supervisor and the employee and to real respect for the workers who excell, for good professionals, for real production organizers,

and for leading engineers and authors of ways to improve work. We are coming into contact with manifestations of a lack of respect for human dignity far less frequently than in the past, but this does not relieve us of the obligation to continue to consistently do battle with such attitudes. There are also infrequent but very painful instances from a social point of view, in which subordinates are not dealt with in the proper way or in which there is reluctance to listen to human problems and complaints. Many supervisors hide behind the pretext of important matters which cannot be postponed, as though there were matters more important than human affairs. Under such conditions bitterness, a climate of distrust, and indifference develop, and this situation has an adverse effect on the work atmosphere and production effects. As a result, minute, simple matters reach as far as the central level. The reverse is true where production growth is properly associated with the resolution of employee affairs. In their daily concern for production quality and growth and its greater effectiveness, the party organizations cannot forget for a moment the need for constantly improving working conditions or their concern for social and existential facilities or the recreation base. Various sorts of irritations, complaints, and comments back and forth will always be coming up in employee groups, but it is a question of clarifying and resolving them quickly and straightforwardly on the spot, in the production department, and in the plant. A full appreciation of the social aspects of production makes it possible to attain increasingly higher production growth indices and to upgrade thrift and respect for social property. Concern for human issues makes it possible to create among workers the proper atmosphere and a climate of respect for good work, law and order, and social discipline.

In letters to the Central Committee written by the workers themselves, various problems related to thrifty management and the exploitation of existing reserves are raised. The opinions, comments, and suggestions pertain in particular to work organization, the production process, cooperation, and the waste of man and machine time, as well as raw materials and other materials. The low quality of certain industrially-produced items, of construction, and of services to the population evokes especially severe criticism. Consumers and users of market goods are critical in their assessment of the quality of the products of the automotive industry, of household appliances, such as refrigerators, washers, vacuum cleaners, and hairdriers, and some products of light industry, especially shoes. It should be emphasized that part of the authors of the letters and complaints, buyers of motorbikes, motorcycles, and automobiles, state that the great shortage of these items on the market creates a situation in which poor work is tolerated, people agree to low quality in the goods they buy, and there is a prevalent practice of sending malfunctioning equipment directly from the stores and warehouses to the repair shops. We cannot tolerate such a condition.

Signs of waste and poor quality of products include very severe, justified criticism of technical supervisors and enterprise management. There is a race for effects more apparent than real, quantitative indices, and the desire to make a display of high production dynamics at all costs. The industrial associations and ministries are accused of setting plan indices

which do not give preference to qualitative factors. In this connection it is still more profitable to produce more, without regard for the social suitability of the products. Suggestions have been made to introduce such a system of management which would force every enterprise to produce only good items needed by the society.

The problem of services to the population, especially the operations of repair and maintenance facilities for mechanical vehicles, radios and television sets, and household appliances was the subject of critical remarks in letters coming in to the Central Committee. The main difficulties are problems with repairs, the long waiting period, and the low quality of service. Investigations of concrete complaints showed that one of the reasons for this state of affairs is the meager service facilities and the shortage of spare parts and qualified personnel, but frequently the causes are to be found in inadequate preparation of employees and the lack of supervision. Criticism of renters' services rendered by the residence administrations and the municipal economy enterprises is fully justified. People complain that window repairs, the shifting of a stove, or the replacement of a floor takes months, which often upsets normal family life. An analysis of the indications and complaints shows there are varied and often very severe shortages in the amounts of services and types of services for the population. This problem, which is very important from the social point of view, escapes the control and supervision of local officials here and there. Thus, requests are made to people's councils and bodies of the state administration concerning the need to give greater attention to the more dynamic, better development of services for the population.

The quality of the work of the administration has an important influence on the structuring of relations between the government and the citizen. Each of us comes into daily contact in one way or another with the operations of the various offices and institutions. The manner in which the matter is handled, the way in which the person is served, and the time one waits in line are important factors which affect our mood, the way we feel, and our mental attitude to other people. We still often see long lines in front of one window, while at the same time other windows are closed, and personnel are doing other things in view of the people waiting. After what is sometimes a long wait, we go away mad and upset, and this has a direct effect on work productivity and quality. Often as the result of poor work organization, carelessness, and indifference to human affairs, we suffer great social losses.

Generally it must be said that systematic improvement is occurring in the work of the local administration: voivodship, town, and gmina offices. An important measure of operating effectiveness is the more efficient service to citizens and better, quicker handling of matters. Decisions are made in keeping with the regulations in effect and are more and more frequently in keeping with a sense of social justice. Units at the basic level are making better and better decisions.

In accordance with the assumptions of the state administrative reform, the parish has become the basic unit to determine rural socioeconomic development. Here we must emphasize the farmers' ever-growing demands in relation to management personnel in the parish. From both the content of letters and the talks which have been conducted we can see that in these positions they want to see people who are concerned managers of the area, people who handle all problems wisely and straightforwardly and who resolve disputes justly. We should note the clear improvement in the work of the parish offices and in contacts between the offices and the citizenry. This is why criticism is all the more severe with regard to cases which still occur with regard to heartlessness, bureaucratic delays, passivity, management "from behind the desk," or finally lack of ability or skill in running the parish. Particularly painful are instances where there is an absence of the proper reaction to human wrongs suffered or the failure to extend assistance to someone who has suffered an injustice of fate. In one village, for example, in a family with 11 children a fire destroyed the buildings and harvests, but the parish officials looked on with indifference. It was only the intervention of officials higher up which worked to have the family taken care of. Housing questions are especially painful in the parishes, because they usually involve elderly, disabled people. The villages are beginning to react more swiftly and severely to the breakdown of moral principles, favoritism, poor management, and lack of commitment on the part of parish management personnel in the handling of difficult local matters. Letters and various sorts of indications to party bodies make it possible to eliminate the causes of evil and to correct injustice quickly. Many people who did not perform properly had to leave, because the tasks set before them became bigger or because they failed to meet moral, professional, or organizational requirements.

Much criticism is directed at the parish agricultural service. The main complaint is that too much time is devoted to paperwork and that the service cannot make working contacts with farmers in the area of professional counselling and the direction of production. This has an adverse effect on the rate of production growth. Requirements with regard to employees of the agricultural service must be constantly raised. It should be emphasized that farmers react very strongly to party policy and to all ongoing decisions of the government or local officials concerning the food economy. Today's letters from farmers differ fundamentally from those sent 2 or 3 years ago. We are seeing increasingly a stewardly approach to matters of the rural areas, to the ways to increase crop and livestock production, and even to the whole complicated problem of feeding the society. Even if there are complaints against officials for various sorts of shortages and shortcomings, the remarks, observations, and proposals are made in the context of increasing production on their own farm, in their own village, or in their own parish. With great concern the authors of the letters bring up various aspects of improper land use; they criticize toleration of neglect, the lack of supervision of neglected land, and the transfer of land to people or units which cannot insure that it will be used properly; they point out concrete instances of poor management and often name the people responsible for neglect. Quick reaction from party committees and local

state administration makes it possible to use the land properly. A second review of economic management was made in response to the demands and requests of many farmers.

A large share of the letters bring up problems related to improprieties in the functioning of institutions which serve private farmers. The monitoring of many signals shows that there is still a great deal to be done in this area. We encounter instances where potatoes and sugar beets are not picked up from the planters on time, of poor work organization at the wholesale points, and of long lines and long waiting. This correctly evokes severe criticism from farmers. They are also irritated by unnecessary losses of time, often during periods of increased, urgent field work. The same applies to comments and justified complaints against the mechanical services of the agricultural circle cooperatives. This pertains mainly to failure to perform the work on schedule or to do it properly, and we know, for example, that plant pest control operations which are done later or poorly can mean crop losses.

First Secretary E. Gierek's letter to farmers was met with a lively response from the rural areas. Thousands of individual and group letters flowed in to the Central Committee and the voivodship committees. The farmers very much appreciated the fact that the leader of the party and the nation turned directly to them with the extremely important problem of feeding the society and asked them for advice, suggestions, and proposals and to undertake an effort which would result in increased agricultural production. In the letters they brought up very valuable proposals and suggestions concerning various villages and parishes as well as general national problems. From many villages concrete production pledges were received. Individual farmers, whole villages, specialized groups, producer cooperatives, and state farm employees promised additional production of meat, grain, beets, and vegetables. This is a tangible, eloquent example of the villages' positive reaction to the party's call for increased agricultural production.

The proposal to introduce pensions for private farmers was met with a particular response. It gained general approval from rural society. Many farmers call it a historical document, an important stage in making town and country equal. The letters sent mainly to Comrade Edward Gierek say that only the people's power was able to provide a concept to insure peaceful old age for millions of Polish peasants.

In hundreds of parishes, party committees and parish offices are maintaining close contact with party members in rural areas, village administrators, and farmers as a whole. This makes it possible for them to react quickly and effectively to any signs and to help solve problems and various sorts of sore points. We usually have no complaints from these villages. We know, after all, that we still have a shortage of many materials and pieces of equipment for farm production. It is all the more important to distribute them properly under social control. Building materials, for example, should find their way to farmers putting up farm buildings and not those who own private villas. The same applies to the distribution of tractors and farm

equipment. It is the duty of every party member, especially the party members who perform leadership functions, to create conditions favorable to the development of agriculture and to eliminate everything which interferes with production in rural areas. This is why the letters, complaints, and indications from farmers should be treated as a form of social control and participation in running the state. Facts must be checked. Causes underlying the improprieties which occur must be established. Rural activists must be involved in solving their own matters. Initiative must be encouraged, and people must be taught to view matters more as a landlord might. A climate must be created in which bad work and an uncaring attitude are not tolerated. Farmers must be taught good work.

The central state administration plays an important role in solving human issues, especially in resolving disputes, handling appeals, and settling complaints. In many cases, matters which reach the ministry or central office are complicated and confused by decisions issued at various levels, decisions which often conflict with one another. All this takes time, but the citizen awaits the final decision, is irritated and upset, and is angry with officials. This makes it incumbent upon the central administration to go deeply into the matter but at the same time to bring it quickly to light and make a decision. A resolution of the Central Committee secretariat and a Council of Ministers 1971 resolution charge party organizations and the leadership of the ministries with specific obligations in this regard. What is the actual practical implementation of these resolutions like? If we look at the matter from the formal point of view, everything is generally all right. Once a year this problem is reviewed at meetings, and suggestions, recommendations, and resolutions are considered. Single issues are basically handled properly also. But this cannot suffice. There are few ministries in which matters stemming from the populations suggestions, demands, letters, and complaints are included in the control and inspection plans. The Supreme Chamber of Control does this well, but the operations of many ministries give rise to a number of critical remarks. Some decisions concerning weighty, important human issues are issued not as the result of the ministries' own investigation and findings but on the basis of subordinate units' information, which is not always objective. There are also instances where the final opinion is rendered by the same people and the same units which issued the decision being disputed by the citizen. There is also a lack of systematic follow-up on the implementation of the recommendations undertaken in the course of reviewing concrete complaints.

The ministers and heads of central offices have the duty to the party and the state to personally receive citizens who come with suggestions, requests, and complaints. The practice varies a great deal. There are party members who do this very consistently, adhere to deadlines for receiving them, monitor the way in which the matters are handled, and follow up in this area. But there are also those ministers who do not personally see to citizens at all or do it sporadically, as a great event. It is not true that people do not come to see them, because at the same time many people come to the party Central Committee with complaints about the given ministry.

It is true that the problems of suggestions and complaints are reviewed by ministry collegia, but frequently the ensuing material consists of statistics and reports. There is no analysis of the causes underlying the irritations which sometimes go on over an extensive period of time. Many comments also bring up the effectiveness of the monitoring of the implementation of the resolutions and decisions handed down. Party organizations in the ministries also concern themselves with these problems, but some of them narrow the scope of their considerations to employee matters of the agency along. A basic weak point is the fact that both many ministries' leaders and party organizations treat letters and complaints as something in and of themselves, sometimes even as something which interferes with normal administrative operations. The indications which the letters represent are not associated with any failure in the operation of the ministry's machinery or with weak points and gaps in the work of subordinate units and enterprises. Hence, once again we should bring up the resolution of the secretary of the PZPR Central Committee, dated September 1971, and Comrade Edward Gierek's continual emphasis of the fact that letters, complaints, suggestions, and postulates should be treated as an important source of information on the population's grievances and frame of mind. They should be reviewed in the whole context of our activity, and not in isolation apart from everything else. All disturbing, critical signs should be analyzed. Their causes should be established, and the creation of new problems should be averted through the elimination of the causes.

Many people, party members and nonmembers, come each day to party committees to share their problems and cares, to complain, or to ask for help in handling matters which often are vital to them. People come not only with personal matters but also comments and observations concerning broader problems related to the work of various agencies and offices, and places of employment. They bring up many valuable proposals, comments, and suggestions. In 1976 nearly 287,000 persons came to the party echelons altogether, not counting plant committees, and nearly 7,000 of these came to the PZPR Central Committee. Here we must show our great appreciation for the employees of the party machinery who listened to every personal matter with great culture, tact, and sensitivity. They helped in justified matters in which they were able to. At the same time they calmly clarified and explained what could and should be done and gave the necessary advice.

Interviews with the people who come with business to settle in the party committees are an important way of obtaining information about what people are thinking, what aggravates them, and what sort of problems they are having. It is worth noting the fact that many town and voivodship committees take a much wider view of talks with the people who come to see them. Here there has been a departure from leading the conversations to listening instead only to the person's business, because everybody knows that many of these people can tell us a great many interesting things about what is going on with the production brigade, department, and the whole enterprise and about how the employees judge the work of the directors and the party organization and what they think about the managerial staff. The residents of a town can tell

us a great deal about the operation of many town services and about the sources of tensions and conflicts in the places of employment, and the farmers can indicate how the parish institutions and offices are functioning and what is interfering with an increase in far production. Such conversations are very helpful in party work.

People also come with their business to state offices and to the heads of offices of enterprises, to managers, directors, superintendents, and voivodes. We cannot give a unanimously positive evaluation to the way in which people's affairs are listened and reacted to and handled. Many activists in managerial posts in the field attach a great deal of importance to handling people who come on business and treat this obligation very seriously, with a party sense of principle. Some directors value these talks highly, because they are helpful in the running of the enterprise. In such plants tensions and conflicts are rare, and they are eliminated quickly at the source. Here complaints on the outside are the exception. But there are also those who treat conversations with people coming on business as a necessary evil, as something which interferes with ongoing work, as happens in some central offices. People are treated stiffly and superciliously, sometimes like intruders. The people with business leave with bitterness and resentment, and they usually head for the party offices. Therefore, it is worth telling these comrades once more that the Central Committee attaches great weight to direct, straightforward contacts with people and that talks with people who come on business are one of the forms of contacts with the working people. The Seventh Party Plenum mentioned once again that the party managerial cadres of the places of employment, echelons, and state administration bear special obligations. A manager who is a party member bears responsibility not only for carrying out administrative-production tasks but also for the political attitude of the group and for the atmosphere and whole context of socialist human relations among the employees. This cannot be reconciled with a careless attitude toward the affairs of people.

The party machinery devotes a great deal of time to human affairs. The party echelons concern themselves with the resolution of the population's day-to-day irritations. It is worth emphasizing that the PZPR voivodship committees treat human affairs as an integral part of carrying out socioeconomic tasks. The party activist groups and machinery examine the problems and concrete issues named in letters and complaints and mentioned at party meetings and various sorts of gatherings. The PZPR voivodship committees' commissions on complaints and requests play an important role in our becoming more intimately familiar with the problems which disturb working people. Comrades on these commissions take an active part in clarifying individual issues and in establishing the causes which contribute to the creation of conflict situations. At the same time comprehensive investigations are conducted concerning selected problems or the functioning of certain economic units and offices. This permits early detection of issues bothering people on the job and where they live and makes it possible to resolve these problems before they become the source of tensions and conflicts. The commissions serve important concrete functions in relation to

local and economic administrations in the realm of the effectiveness and thoroughness with which the population's complaints, suggestions, and requests are handled.

Some voivodship committees devote particular attention to the problematics of the structuring of human relations in contacts between the government and the citizenry. For example, in the PZPR voivodship committee in Siedlce there was a plenary session of the voivodship party echelon on these problems, and meetings of party-economic activists were set up in Lublin, Pila, Lodz, and Zamosc. On the basis of investigations which the party machinery and activists working in problem commissions made on many issues in plants, offices, and service establishments, tasks were defined for party organizations and echelons and for the state and economic administration. This made it possible to teach management personnel to become sensitive to people's everyday irritations and problems and to see that institutions and offices handle them more effectively.

The indications which come in to the party echelons in various forms from working people are utilized in effective work to remove growing problems and in seeing that improprieties do not develop. By way of example here we might mention the Gdansk Voivodship Committee, where the question of the practical implementation of housing distribution policy was reviewed. On the basis of a critical analysis, corrections were made, a step which at the same time prevented public dissatisfaction. Similarly, leaders in the Krakow committee discussed the problem of sponsored construction, and the voivodship committee in Elblag went over issues related to improprieties in private construction in coastal localities. On the basis of the complaints, indications, and observations of residents, many town and parish committees also are analyzing the situation in various areas and are evaluating the work of trade and service establishments and the operations of the parish cooperatives and the SKR's. The views of residents are also used in evaluating the staff managing the various facilities and establishments. Party parish committees pay particular attention to see that the offices and institutions which serve farmers are functioning effectively.

The society is setting higher and higher requirements for the party, the government, and local officials. This is reflected in letters and verbal statements to party echelons too. At the same time various demands and ideas are mentioned about various areas of our life. The demand that the operation of all the elements of the state and economic administration be improved, especially in direct, daily contacts with citizens, is common. Workers rightly ask the party and its central committee to raise the requirements for people managing the economy and units of the state administration. Control and supervision should be comprehensive and should fix personal responsibility, because not only the foremen, managers, and directors of the enterprises and industrial associations must bear responsibility for economic effects, production quality, and the utilization of labor and machine time but also the ministers.

The party leadership is engaged in an ongoing analysis of the problems which come up in letters and complaints, and it is reviewing the indications, suggestions, and proposals. These voices are very helpful in resolving the problems which are growing up among the society and bothering working people. Insofar as possible and to the extent available resources of the state permit, they are successively resolved. This shows eloquently how each human issue is carefully reviewed in the party, and how altogether the reviews help to resolve the daily irritations and problems of working people one by one, but it must be said that many issues which reach the central committee can be satisfactorily resolved at lower levels of power. For this reason, being guided by the resolutions of plenary sessions of the Central Committee and the recommendations of the party leadership, we must step up our control inspections in relation to the state and economic administrations, so that they will increase their concern for everyday human affairs. Particular attention should be given to the improvement of the methods and forms of action of the party committees and administrative bodies in the realm of combatting the causes of waste and lack of social discipline, along with concern for a proper association between production growth and solicitude over employee matters, along with improved services for citizens. Control activities should be deepened with regard to the administration, in order that we may become more familiar with the causes of complaints, the creation of irritation, and the dissatisfaction and daily problems of working people. Complaints and signs of various sorts should be reviewed in the context of the whole operations of a given enterprise, unit, or ministry. They should be helpful in detecting weak points and deficiencies in the operations of central offices and subordinate agencies.

Every human voice should be carefully and honestly considered. Greater attention should be given to the way people with business are received and listened to, at all levels, from the minister to the director and supervisor. The party organizations should monitor this as an everyday occurrence. In this way we will help to shape proper human relations, which have a considerable effect on the quality and results of work. Comrade Edward Gierek, First Secretary of the PZPR Central Committee, said at the Seventh Party Plenum: "We must devote decidedly greater attention to the shaping of socialist human relations. A person's frame of mind is just as concerned with the social atmosphere around him. We must work to see that justice, high principles, mutual high requirements, goodwill, and trust, the best communist virtues, predominate everywhere, in every milieu. This pertains especially to relations between superiors and subordinates...Hence a consistent struggle for socialist human relations based on personal example is still the important duty of party members, especially of management cadres at all levels."

These guidelines are imperative for every communist in every sector of economic, administrative, and social work.

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POLAND

WRITER CLAIMS NEW DEMOCRATIC OPPOSITION IN POLAND

Paris IRODALMI UJSAG in Hungarian May-Jun 77 pp 4-5

[Article by Adam Michnik: "The New Democratic Opposition in Poland"]

[Introduction by P. I. for IRODALMI UJSAG] As the following article was being sent to press its author was being arrested by the Warsaw police--charged with political organization.

In a certain sense the charge is sound. Adam Michnik is a political personality; he is one of those young Poles who in recent years have given a new impetus to opposition thinking and movement in their homeland. Michnik personally is a historian but naturally he has no state position. For years he supported himself as private secretary to the recently deceased great Polish poet, Slonimski. He has already suffered a lengthy imprisonment in connection with the Warsaw student disturbances of 1968.

Beginning in August 1976 he spent 8 months in Western Europe in the course of which he gave publicity in all possible ways to the problems of Polish society as they are seen by the new opposition. He gave dozens of interviews, spoke at rallies and talked with the more famous political personalities of Europe (for example, with Willy Brandt). One of the outstanding stations in his trip was his participation in a Hungarian-Polish scientific conference held in Paris on the occasion of the 20th anniversary of the '56 events. He prepared the following work for this occasion.

The study is extraordinarily instructive from the Hungarian viewpoint because it contains something which we have lacked for decades, internal political thinking. Michnik's article also calls attention to the difference between the Hungarian and Polish situations. It appears from it that ever since the middle 1950's political forces have been working in Poland without a break and with a political program. In his article Michnik draws the conclusions from these several decades of political activity. His analysis is free of all ideological ornamentation. His conclusions, obviously, pertain only to a country where more than one political community of brave men live and work to keep alive, despite all difficulties and persecution, the flame of the free word and of action independent of state power.

The personal stand of the author gives special weight to his analysis. Let us add to this that Adam Michnik is a young man brimming with life, of inexhaustible dynamism, a radiating personality whom one accepts as a friend within minutes.

[Text of Michnik article] The 1956 events known by the name Polish October offered in their time a fundamental hope that the communist system was capable of development. The hope was embodied in two ideas--in, let us say, two evolutionary conceptions. We might call one "revisionist" and the other "neo-positivist."

The revisionist idea was that a certain progress or evolution was possible within the party. Although the idea was never embodied in the form of a political program it implicitly suggested that the exercise of power could be humanized, democratized, and that the official Marxist theory could be enriched, could assimilate modern elements of the human and social sciences. The revisionists wanted to act within the communist party and within Marxist theory. They wanted to participate in the development of this theory "from within", this development of the party in the direction of democratism and sober human thinking. In the long run their activity might have led to enlightened leaders coming to head the party and its theory being guided by progressive ideals. One of the most characteristic representatives of this trend, Wladyslaw Bienkowski, described the system which was the goal as "enlightened socialist absolutism."

One of the most outstanding representatives of the other evolutionary idea was Stanislaw Stomma, who called the trend "neo-politivist." The essence of this was that one must follow the early 20th century strategy of Roman Dmowski in the new political situation. Stanislaw Stomma, who led the Catholic group called "Znak," thought that the geopolitical co-efficients of the country and the religiosity of the populace were inalienable and elements not to be neglected in Polish public life. He wanted to repeat the 1906 maneuver of Dmowski, the organizational and theoretical leader of the national democratic camp, in the course of which he got into the parliament of Czarist Russia, the Duma. Stomma and his colleagues got into the Polish parliament, the Diet, in January 1957. The goal of the Catholic leaders gathered around Stanislaw Stomma was to create the nucleus of a political movement which would be suitable, in time, for leading the Polish nation. His predecessor, Dmowski, found himself in this situation at the outbreak of the First World War. Stanislaw Stomma thought that a similar situation might be created by the expected collapse of the eastern bloc. In the period stretching from 1956 to 1959, Stomma's position was supported by only a moderate degree by the Polish prelates who were given at this time significant concessions by the Gomulka leadership.

The evolutionary conception of Stomma differed significantly from revisionism. His neo-positivism emphasized that one must remain loyal to the Soviet Union, since it was the present continuation of the one-time Russian power, but that there was no need to accept Marxist theory or socialist

ideals. In contrast to this, the revisionists evidenced anti-Soviet behavior (for example, because of the Hungarian case) but they were not anti-Marxists. To use a simile, if the state organization of the Soviet Union was the Church and Marxist ideology was Holy Writ then the revisionists belonged to the gospel party, interpreting the holy word in their own way, while the neo-positivists remained faithful to the Church in the hope that sooner or later the Church would disappear.

Both trends were similar in that they counted on changes from above in order to realize their plans. They calculated that the party could make real progress as a result of a realistic policy by rational leaders. Representatives of neither the one nor the other made efforts to force this progress by means of constant organized public pressure. They counted on the rational good will of the communist Prince rather than fighting for the creation of independent organs to supervise the power.

If they had attempted more their public role would probably have been banned. But grasping little unavoidably prepared their political and intellectual fall. Damned by this fall were the revisionism which criticized the Church and the neo-positivism which denied the Holy Writ. But the revisionist trend did have a number of quite positive initiatives; as you know, the effect of the early revisionist thinkers and artists inspired a large part of the national intelligentsia to lively political action. It is enough to mention the outstanding work of such writers as Lesnek Kolakowski, Oskar Lange, Edward Lipinski, Maria Hirszowicz, Wlodzimierz Brus, Kyrstof Pomian, Bronsilaw Baczko and Witold Kula. We can find a literary projection of revisionism in the broader sense of the works of K. Brandys, A. Wazyk, W. Woroszylski and J. Bochenski. Over and above their scientific and artistic value, the works of the above authors gave voice to the ideals of the persecuted and defended truth and humanity. The appearance of certain works became real political events. Revisionism prepared the public for political action. It showed that one could participate in social life in a critical spirit and that those who withdrew, those hiding in internal emigration, were not right.

What is needed for political activity like the above is that one believe that he can influence the fate of society. It was the faith of the revisionists that the party was reformable. Today, of course, we can see quite clearly on what false hopes this faith rested. Disregarding this, however, it was thanks to this that we could find in our homeland in the years 1956-1968 real and positive civic activity and openly expressed opposition behavior. The early critical activity started in large part from this ideological trend and not from those anti-communist circles who recognized no compromise. However great the responsibility of the Polish left-wing intelligentsia in Stalinism, this same ex-Stalinist, revisionist intelligentsia created and spread among broad strata of the intelligentsia that example of opposition behavior whereby civic activity could be reborn even amidst the difficult Polish circumstances. Unfortunately, the basic trouble with revisionism was that it thought that the "liberal" wing of the party wanted the same things as the revisionist intellectuals. In my

opinion, the greatest defeat of the revisionists was not that they lost their struggle for power positions within the bosom of the party--this was a battle lost before it had begun; the defeat consisted of the fact that this or that leading personality in the party on whom they counted fell from power or lost his influence. It was not the leftist democratic program which failed; the revisionists had never formulated that.

The events of March 1968 put an end to revisionism. The lines between the revisionist intelligentsia and the party were finally broken. After March 1968 one could no longer count on a democratic leadership coming to the head of the party.

And yet, in this year of 1968, when revisionism died, there were student demonstrations and the demonstrators cried out: "All Poland is awaiting its Dubcek!" For a time the Czechoslovak communist leader signified hope. Indeed, even today the Dubcek myth and the memory of the Prague Spring live on, if with ambiguous significance. It can evoke radiant optimism as well as the darkest pessimism. It can provide arguments for the conformist as well as the hero. Why? We shall soon see.

In October 1956, in the wake of the Soviet military intervention threatening Warsaw, one leader became all at once a national hero. In the winter of 1970, 14 years later, this same leader, Gomulka, had to sneak disgraced from the political arena. This example casts a sharp light on the myth of the party leader hero, whoever he may be. It can be hypothesized that if there had not been the Soviet intervention in Czechoslovakia a struggle would have finally broken out between the progressive wing of the party and the non-party opposition (the federation of former political prisoners, the university students' movement, etc). However painful it may be one cannot reject the hypothesis that many followers of Dubcek would have turned into those breaking up the opposition.

Even by its nature the legend of the "good party leader" is ambiguous. "In this way we can serve the cause of Polish democratization; in this way we can aid the efforts of a possible Polish Dubcek." Even today this is how those speak who serve the totalitarian power in the interest of democratization.

The Czechoslovak example is also cited by those who do not join the party, calling themselves integral anti-communists, but carefully avoiding all opposition activity. In their opinion the opposition man is a political adventurer and the Czechoslovak events and the fate of Dubcek are cited as proof that "nothing can change."

For me the lesson of Czechoslovakia is just the opposite, that there is a possibility for change, and it shows how much. On the one hand it provides an example of the vulnerability of the totalitarian status quo and on the other hand of that brutality with which the endangered Soviet empire reacts.

It is also worth while to examine the experience of the neo-positivists. It is certainly to their credit that they created a certain marginal public opinion and made fashionable a way of thinking which differs from the official cultural, scientific and political propaganda style of the party. The "Znak" movement started in 1956 on the basis of the above mentioned principles of realpolitik and, citing the tragic outcome of the 1944 Warsaw uprising, rejected the manifestations of the Polish "uprising tendency." It extorted significant concessions from the regime, with Gomulka at the head, it stood beside the new leadership of the party and organized a number of Catholic intellectual clubs; the weekly TYGODNIK POWSZECHNY was revived and they founded the monthly ZNAK and a publishing house. The Znak movement spoke in its own language and propounded a unique national culture. Its achievements in this area are inestimable. In regard to Polish intellectual life the recognition accorded present Catholic thinking is of extraordinary significance. Its writers--Stefan Kisielewski, Hanna Malewska, Jerzy Turowicz, Jerzy Zawiejski, Stanislaw Stomma, Antoni Golubiew and Jacek Wozniakowski--won undying merit with their works. In the wake of the parliamentary speeches of Stefan Kisielewski, Jerzy Zawiejski and Stanislaw Stomma the younger Polish generation could at least get a taste of what a multi-party system would be. Even if, true to their principles, the Znak representatives stuck to the role of a realist, pragmatic, Catholic "his majesty's opposition."

The Znak group did make certain political conditions for their support of Gomulka and these were that he expand the sovereignty of the Polish state in opposition to the Soviet Union (renegotiating the economic agreements and the departure of the Soviet experts) and that civil rights be extended. Within this framework relations between state and church were normalized (the head of the Polish church was set free, the official insolence against the church was abandoned, religious instruction was legalized, etc). In this area Znak supported the power with, it is true, moderation and dignity. Like the revisionists, the Catholics also counted more on concessions coming from above than on organizing social pressure. They put the emphasis on agreement and avoided conflict; they cultivated their relationship with the party and were careful that they should not be regarded as an opposition group.

But the Znak leaders never committed the chief error of the revisionists; they always emphasized that they had a different political orientation than the communist party even though they had to handle their behavior critically. Political cooperation could have meaning only if both sides took it seriously. Behaving in this way with communists, who have kicked the word cooperation out of their dictionary, is useful only if it comes from a position of power. In the contrary case what is involved is not cooperation but surrender and the tactic of cooperation leads in the direction of political self-liquidation. Precisely this fate awaited the Znak parliamentary fraction. Time and again they agreed that the power should make personnel changes in the fraction and finally, also, a compromise was introduced into their political line. Because of the concessions in principle the Znak representatives lost their credibility even before the power--which

recognizes only crude force--and before the populace which highly esteems courage and stamina even if it itself is incapable of movement. The Znak representatives began with concessions and ended with opportunism. These are hard words but what else can be used in regard to the last appearances of the Znak representatives when they voted (with the single exception of Stanislaw Stomma) for a modification of the constitution which had been rejected by the independent public opinion of the country as a whole. This was the last station and the final result on the path of concessions in principle made to win a few immediate and illusory concessions.

The position of the revisionists and the neo-positivists suited the special situation between 1957 and 1964 in which we witnessed social normalization and political thaw, when the standard of living rose and the horizon of civil rights expanded. The two positions fairly faithfully reflected the atmosphere of political peace and social-psychological solidarity.

The lack of sensitivity to reality on the part of the revisionists and neo-positivists (and how the latter did imagine themselves to be realists!) appeared in the second half of the 1960's and the early 1970's when social conflicts began to become more profound. The failure of the revisionists and the neo-positivists was illustrated by various spontaneous manifestations--the student and intellectual demonstrations in March 1968, the worker uprising in December 1970, the most recent intellectual demonstration against putting the Soviet dependence of Poland into the constitution and recognizing the communist dependence of the nation and, finally, the workers' strikes of June 1976. The vanity of their tactics based on historical sophisms was revealed by the encounter with reality.

On every single occasion an open clash between society and the power showed on what vain hopes the ideas of the revisionists and neo-positivists rested. And on every occasion it placed the representatives of the two trends before a dramatic crossroads.

If one does not accept that sickly suspicious hypothesis that every popular movement arises from a police provocation (and, unfortunately, this supposition is common in the intellectual circles of totalitarian countries) then clearly one must take a stand in the matter of the present clashes. One must decide from what viewpoint one wishes to examine the phenomenon--that of the oppressed or that of the oppressors. At the end of the revisionist and neo-positivist thought train stands one unavoidable conclusion; In the event of a clash I adopt the viewpoint of the power. The revisionist strategy, which follows a policy of cooperation, is incompatible with all solidarity with striking workers, joining demonstrating students or support for opposition intellectuals. At the moment of a clash, the one and the other suddenly stand there incapable of clarifying the main thing, the relationship to the power.

The great dilemma of the leftist movements of the 19th century, "reform or revolution," does not apply to the Polish opposition of today. To

undertake to overthrow the party dictatorship by revolution or to organize such attempts would be senseless and dangerous. It would be senseless in Poland today to count on the system falling as long as the political superstructure of the Soviet Union is what it is; and all subversive work is dangerous. In this country, where political culture and democracy are practically unknown, illegal subversive work would only worsen the social problems without solving them. Revolutionary plans and conspiratorial attempts serve only the police which then creates an hysterical public mood which facilitates provocation.

In my opinion the only path which the resistance of Eastern countries can follow is an unabating struggle for reforms; we must expand civil rights and ensure human rights for all. The Polish example shows that pressure on the power can extort results not to be dismissed. We might say that the Polish opposition has chosen the Spanish road instead of the Portuguese one. It counts on gradual and partial changes rather than on overthrowing the existing power.

The political and military presence of the Soviet Union in Poland puts a limit on this potential development now and probably for a long time to come. The specter of armed Soviet intervention, the nightmare of Soviet tanks on the streets of Warsaw, often numbs the ability to resist. The cases of Budapest and Prague only strengthen the widespread public belief that the leaders of the Soviet Union will prevent any sort of change. But the question is not so simple.

Let us just remember: Did not the infinite popularity of Gomulka in 1956 rest on the fact that he had so wisely formulated the "Soviet question"? Following him, others also have succeeded in winning public confidence and public support by cleverly tacking between human fears and need for security in this question. This was the tactic of Mieczyslaw Moczar; Franciszek Slachcic also played on these contradictory feelings when, among other things, he formulated the slogan which passed from mouth to mouth in Warsaw: "Polish-Soviet friendship must be like good tea--strong, hot, and without too much sugar." The attempts of the above two popularity cultivating leaders to come to power were suddenly broken off but nevertheless the Soviet question remains a good political delicacy.

An analysis of Polish-Soviet relations as a whole shows that there is a convergent interest between the Soviet leading stratum, the Polish political leadership and the Polish opposition. Soviet military intervention in Poland would be a real catastrophe for all three participants. As for the democratic opposition in Poland it is self-evident that their patriotism and feeling of responsibility prompt them to strictly avoid a policy of catastrophe. As for the Polish party leadership, Soviet military intervention would degrade them to simple Soviet imperial lieutenants; today, even if their power is limited, they are still rulers of a country with 34 million people. And the Soviet leaders have still not forgotten the international effect of their Hungarian and Czech interventions. Nor have

they forgotten how resolute the Polish workers were in December 1970 and June 1976. If we also consider that the national tradition in Poland is anti-Russian and that the people have an inclination to throw themselves into hopeless struggles then it should be clear to the Soviet leaders that deciding on a military intervention in Poland could lead to a Soviet-Polish war.

Poland would lose this war militarily but the Soviet Union would not win it politically. It would be national mass murder for Poland but the Soviet Union would suffer a diplomatic defeat. So we can say that the leaders of the Soviet Union and of Poland will do everything to avoid an armed clash.

The fact described above determines how far political maneuvering can go; the convergent interest gives birth to mutual concessions of a given magnitude. I do not say that a Soviet intervention in Poland is impossible. On the contrary, I feel that if the Moscow and Warsaw power on the one hand and the Polish people on the other should lose their feeling for reality, their restraint and reason, then Soviet intervention would be unavoidable. So the Polish democratic opposition must accept the fact that they must achieve changes in Poland, at least in the first phase, within the framework of Brezhnev's "principle of limited sovereignty."

The revisionists and neo-positivists also imagined their evolutionary programs within the frameworks of the "Brezhnev principle." The present opposition differs from the representatives of these two ideological currents in the essential point that it is its conviction that the evolutionary program must speak to the independent public opinion and not to the totalitarian power. It is not to the power that one must "whisper" how it must improve; it is to society that one must say how it can intervene effectively.

The clearest guide to the power is that which mass pressure suggests.

It is a basic principle of the new, evolutionary opposition that a determined and consistent stand by workers awakened to self-awareness has forced the power to much more obvious concessions. It is difficult to foresee what the future development of the workers' situation will be but it is certain that the power is most afraid of them. Pressure by this social group is absolutely necessary if the life of the nation is to develop in the direction of democratism.

The task does not seem easy nor easily comprehended. It involves having to cross the border barriers of fear on every single occasion, filling every single occasion with new political self-awareness. The fact that the worker organizations and worker associations have been destroyed and the tradition of political resistance gone to ruin is a serious brake on the process. But a new version of worker self-awareness was born on that day when the first independent worker self-defense organization appeared, on that day when the strike committees were formed in the shipyards of Szczecin and Gdansk. It is difficult to foresee when and how newer, more lasting worker institutions will be born and what form they will take--Worker

committees of the Spanish type, independent trade unions, or aid associations? What is certain is that when they are born they will embody the principle of the "new evolutionary" opposition and will cease to be merely statements of hopeful principles.

The role of the Catholic Church in the present Polish situation is fundamental. It incorporates the larger part of the population and the behavior of the priests often has political importance. We must watch the behavior of the leading personalities of the Polish Catholic Church. The publications of the Church faithfully reflect its path. The originally open anti-communist behavior which denied every social and political change which has come into being since 1945 is increasingly taking the form of anti-totalitarian resistance. The fulminations against the "infidels" have disappeared and a defense of the principle of human rights has taken their place. In their pastoral letters the leaders of the Polish Church take a stand for truth, freedom and human dignity. They also raise their voice in the interest of workers' rights, primarily for the right to strike and for independent trade union defense of interests. The Church is resisting the pressure of the power, defending Christian ethics and the principle of human rights and thus, whether it intends to or not, it furthers the anti-conformist behavior of the populace, speaks for human dignity and awakens ever increasing demands in people for civil rights.

The "new evolutionism" means slow, gradual changes. Which does not mean that the movement will always remain peaceful nor that it can avoid all sacrifice.

It may be that the movement will continue to find expression in mass worker and university student demonstrations. A theme constantly debated in the upper circles of the power is now to react to demonstrations. So let us try to ask several questions which interest us. Is there an element in the party, in the party leadership, which could propose a reform program? Could revisionism arise within the party? And finally, Can the democratic opposition find a party fraction with which it could ally itself?

That "revisionism" which was born in the middle 1950's and which proposed as a goal a renewal from within the party has ceased to exist. In any case it is difficult to imagine in contemporary Poland any movement which might attempt to reform the existing power on the basis of Marxism-Leninism or any version thereof. In Poland today the Marxist-Leninist theory is merely an empty gesture, an official parade. It provokes no arguments and arouses no excitement in anyone. It cannot be a source of tension; it makes no difference.

Despite this, I feel that change within the party is unavoidable. There are many among the tens of thousands of party members, who have lost all interest in the secrets of dialectical materialism, for whom membership in the party is just simply an unavoidable concomitant of their public life role. Many of these are believers in "realpolitik," practical, pragmatic

men, partisans of economic reform. Their opinions and decisions conform to the requirements of the economy. Their practical orientation suggests that they would support scientific development and technical contacts with the capitalist countries and would consider professional knowledge more important than limited theoretical prescriptions.

All this, naturally, does not make them democrats. Why should a "party pragmatist" want democratic changes, a multi-party system or worker self-government? But for various reasons these pragmatists see clearly that it is better to come to an agreement with the forces struggling for a multi-party system than to crudely oppress them. The pragmatists know well that not only does oppression not solve problems it also prepares later mass dissatisfaction and the unforeseeable consequences thereof. They would like to avoid trouble. This is why the pragmatists within the party could be the partner (but never the ally) of the democratic opposition in the area of political concessions. This is an important difference. It would also be a mistake if the democratic opposition did not see that there are various tendencies within the power; it would be a turning from real life, taking an extremist position, succumbing to political adventures. But if it confused its own aspirations with that which the pragmatic wing of the party wants it would fall back into the error of the revisionists, enter a false alliance and lose its ideological individuality. The democratic opposition should not place too much hope in the "intelligent party leaders" and should not fall into the trap of thinking that it should not attack the present leaders lest worse come after them.... The democratic opposition must first of all clearly define its own political goal and only on this foundation can it ask for or accept concessions. When the power reacts to a worker uprising by saying that "one must talk with the worker class" and by not wanting to order a bloodbath, the democratic opposition should not regard this as a suitable concession (on the basis that "at least they did not shoot") nor should it consider this a senseless waste of words. It is the task of the democratic opposition to be constantly and methodically present in public life, to bring about political events by means of common movements, to recommend alternatives for the resolution of every situation. Everything outside of this is a myth.

To recommend alternatives for the resolution of various situations and to speak out for values is the task of the intelligentsia or, to put it more correctly, of that intelligentsia which continues the traditions of the "intractable" intelligentsia of the beginning of the century.

For my part, I adhere to this tradition and to those who continue and cultivate this tradition today. Even if their voice is weak, they are the ones who create an independent public opinion and who work out behavior for the nonconformist. Their voice, sounding with that of the workers, will set the direction for the political aspirations of the youth and will define the character of the changes in Poland and in the other Eastern countries. There is no free press, there is no right of assembly; and this is why the moral and political responsibility of these intellectual circles is so

great. It requires a behavior the logical consequence of which is that those involved will turn from material goods and official recognition and make truth a way of life.

He who seeks truth, who, as Kolakowski said, "lives in honor," fights not only for a better future, he fights for today too. Every act of resistance is a step toward democratic socialism which is not so much something made of institutions or a legal artifact. It is a community of free men, a real human community which is reborn every day.

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MODERNIZATION OF EDUCATION DESCRIBED BY MINISTER

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[Article by Suzana Gadea, minister of education and instruction: "Education in Step With the Requirements of Economic and Social Development"]

[Text] The plenum of the Central Committee of the party on 28-29 June of this year debated and approved measures for improving the organization of secondary, vocational and higher education. "The entire conception of organization," Comrade Nicolae Ceausescu pointed out at the plenum, "seeks a close integration of education with research and production and the creation of the conditions so that the graduates, on different levels of education, can be integrated into production as rapidly as possible and can make their contribution to the general development of our society."

The integration of education with research and production represents a modern concept, with a revolutionary nature, characteristic of our system of education and instruction, which has ahead precise objectives springing from the immediate and future requirements of the construction of the multilaterally developed socialist society. According to the provisions in the program of the party and in the directives of the 11th congress, Romanian education is to be developed in close connection with the rapid progress that science and technology are now experiencing. By means of the steady application of the principle of the integration of education, the capacity to form the trained personnel necessary to production and other fields of social activity, and the achievement of high efficiency throughout the instructive and educative process, are being provided to the school.

This new orientation of the educational process is the basis for educating the young people by means of work and for work, it thus being impressed strongly on their consciousness that no one can live in our society without working.

Productive activity and research activity are becoming intrinsic components of the process of forming the future specialist, they being directly involved beginning right with the initial stage of acquiring knowledge and mastering work skills and habits. The accumulation of knowledge, research activity and

productive activity form a dialectically integrated whole. In this way the school constitutes "a model of life." The young people learn by living in the microclimate of their future profession, adapting gradually to its real conditions and participating directly in the production of material goods and in the progress of science and technology.

At the same time, the activity that the pupils and students, along with all working people, do in order to attain the objectives stipulated in the plans for development of the economy and culture has a strong educative role: by means of the responsibilities that the young people assume, their feeling of respect for work is developed.

The scientific research performed in education must be understood as a necessary condition for going beyond the stage of mere information and knowledge. It confers on these two component activities of the instructional process methodological significance, the young people mastering by means of research the instruments of scientific work and the methods of working efficiently with them in their entire later activity. The pupils and students thus know science not only as a finished product--through the intermediary of the discipline of study--but also as a continually evolving process, restructured by means of new discoveries and decoded by means of the new meanings that are revealed to them from one stage to another.

As we advance in socialist construction, the problem of the correlation between the different sectors of social activity is posed more and more markedly. This correlation between sectors constitutes the starting point of the integration of education with research and production. In this sense, the fusion between school and production is being achieved under the sign of harmonizing their rates of development, taking into account at the same time that science and technology have taken the path of very intensive development, specific to the scientific and technical revolution.

In the party program it is stipulated that in the near future each school is to become a production unit, but without losing its didactic character. The essence of such an integration resides in creatively using and applying in the productive labor process the knowledge acquired in school--by means of new solutions to production problems with the help of this knowledge--and properly using the practical experience acquired by means of production activity. Education thus utilizes and develops continually the pupils' and students' capacity for knowledge--the spirit of observation and investigation, creative thought and so on--transforming the need for continual self-instruction into a matter intrinsic in each forming personality.

The Structure and Functionality of Secondary Education

The integration of education with research and production necessitated the establishment of suitable forms of organization of school and the harmonization of its structures with the requirements of this conception, itself profoundly innovative.

At present, on the basis of the provisions of the program of measures for applying the decisions of the 11th Party Congress and of the Congress for Political Education and Socialist Culture the structure, organization and content of secondary education are regulated in a unified manner--in close connection with the economic and social development of the country and with the progress of science and culture. These regulations correspond in all respects with the basic objectives of education, according to which the school is to provide the training of young people for work and life and, at the same time, the acquisition of the newest theoretical, scientific and cultural knowledge and to develop in young people respect and enthusiasm for work productive of material values.

In order to form by means of secondary education the trained personnel needed in different sectors of economic and social activity, starting with the 1977-1978 school year industrial, agroindustrial, silvicultural, economic, administrative law, health, mathematics-physics, natural science, pedagogic, philosophy-history, and art secondary schools will operate. Through the diversification of the types of secondary schools, through the organization of them according to many specialties and through the balanced territorial distribution of them there is created the possibility for all young people, regardless of nationality, to study in the field in which they want to, thus meeting the requirements for training the work force.

Secondary education--organized in two stages--will operate with the duration of 4 years for day classes and 5 years for evening classes. The pedagogic secondary schools and the choreography secondary schools are not organized into stages, in view of the specific character that they have and the requirements for training their graduates. The unification of the duration of studies throughout day secondary education equalizes the chances of scholastic success of all young people included in this stage of training--of course, on the condition of the performance of an efficient didactic process, well rationalized into the components and dimensions of its content and having an applicative character in all forms of organization. The duration of 5 years for evening education constitutes a necessary premise for the pupils enrolled in this form of education, the majority coming from production, to have favorable conditions for thoroughly mastering the material specified in the school programs, obviously at a more moderate rate than in day classes.

The 10-year duration of mandatory schooling requires that all graduates of the 8th grade of gymnasium take day classes in the 1st stage of secondary school. Mandatory education for 10 years provides multilateral general training, laying the foundations for thorough scientific, political and cultural training. At the same time, in the first 2 years of secondary school (the 9th and 10th grades) the accent is put on the acquisition of diversified technical and professional knowledge, corresponding to the specialty of the secondary school attended, and on the formation of the practical skills necessary for the performance of productive activity. After promotion from the 10th grade the pupils receive the certificate of graduation from 10-year mandatory education. This entitles them to take the competitive examination for

admission to the 11th grade of secondary education or enroll in vocational education or to be assigned to production, as probationers, in the trade in which they were trained.

Secondary studies end with the final exam, which also includes a practical project in the trade in which the training was done. The diploma gives the right to continue studies in any institution of higher learning. The secondary-school graduates who do not obtain the diploma, and those who do not want to attend higher education, are assigned to production as probationers.

The period of probation is instituted for the more thorough mastery of the trade by the secondary-school pupils. This period lasts 3-6 months for graduates of the 1st stage and 3-12 months for graduates of the 2d stage. Throughout the period of probation the probationers actually work in production, having the capacity of employed persons and being paid from the production funds. At the end of the period of probation the pupils take a qualifying examination, organized by the vocational school for the graduates of the first stage and by the specialized secondary schools for the graduates of the second stage. In both cases these examinations are organized in collaboration with specialized production units. The graduates of the first stage with a qualifying examination are assigned to production in the first category of employment (the basic level), and those of secondary school to the second category (the basic level).

Through the introduction of the period of probation after the end of secondary school, the postsecondary specialization schools have no purpose, a reason why they are ceasing their activity. Evening education is still held for persons who, regardless of age, meet the conditions for schooling and are employed, for peasants who work on individual farms, for artisans with their own shops, for professional people who perform activities authorized by law, and for women who take care of their children or work in their own households. Classes can be organized for pupils who work in shifts, classes that operate in accordance with their needs, in the morning or the afternoon. In well-founded cases, for those who for certain reasons cannot attend school daily, the classes can be organized 2-3 times per week or in compact periods for the giving of synthesizing lessons.

With much attention being given to the promotion of talent--so fully manifested on the occasion of the "Cintarea Romaniei" [Song of Romania] National Festival--for gifted persons who want to improve themselves in the field of music, plastic art and choreography evening art secondary education can be organized within the pedagogic secondary schools and in art institutions.

This mobility of the structures of secondary education strikingly shows its democratic character.

An Improvement in the Content and an Accent on the Practical and Applicative Character

By means of the measures adopted at the plenum of the RCP Central Committee on 28-29 June of this year with regard to the better organization and specialization of education on all levels the placement of it on a new basis, in accordance with the provisions of the party program, is concluded for the most part. As Comrade Nicolae Ceausescu says, "now, the essential thing will consist of the effort to improve the content of education, to raise its scientific level and to connect it more and more closely with production and life."

The transformations and changes in the field of science and technology, the improvement of the structures of secondary education, and the general requirements for training the work force necessitate a suitable improvement in the curricula, the school programs, and the activities of preparing, revising and publishing the textbooks. In the preparation of the new curricula there was taken into account the necessity of achieving a functional, systemic correlation between the general, political and specialized training and the practical instruction of the pupils, with much attention being given at the same time to the Romanian language, history and literature, in order to increase the school's role in the patriotic education of the pupils and its contribution to cultivating in young people the high moral traits of the new man, a builder of socialism.

The social sciences have an important mission in the training of the pupils. By knowing the scientific, Marxist-Leninist bases of the policy of our party and its contribution to the enrichment of revolutionary theory and practice the young people become fully aware of their own place and their role in socialist construction and acquire firm revolutionary convictions. However, political education by means of instruction in school is not limited to studying the social sciences. It devolves upon all the disciplines included in the curricula, it being reflected throughout the instructive and educative process.

Within the measures that have as a goal an improvement of the content of secondary education in accordance with its new organization and structure, the improvement of the programs has in view their closer correlation with the training of the pupils in the gymnasial cycle and with that in higher education, the elimination of redundancy and repetition, a more rigorous scientific substantiation and political orientation of the knowledge, and the varying of them according to the type and the specialty of the school. The percentage of the activities in schoolrooms and school laboratories and shops and in production is increasing. More open relations between the professor and the pupil are being established, with the wider promotion of dialog and of the activities done by young people in order to acquire knowledge.

A number of measures have as a goal the better organization of the practical instruction, which amounts to almost one-third of the total hours specified

in the curricula, to which is added the period of probation. The system of practical instruction is to be characterized by a rich, diversified content that provides for the gradual initiation of the pupils into different manufacturing techniques, technologies and processes, in relation to their physical possibilities and the level of knowledge acquired. The improvement of the practical instruction has in view the better arrangement of its content, more efficient organization, the steadier introduction of the spirit of order and discipline into the work of the pupils, and the performance of a constant educative activity for cultivating in young people respect and love for physical labor and an interest in the formation of technical and productive skills, with the integration of the activities performed in the socioeconomic milieu and in the specialty of each school.

The innovations in the structure of secondary education will also be reflected positively in the raising of the level of vocational education and also of higher education. Thus, starting with the 1977-1978 school year, only graduates of the 1st stage of secondary school who have not passed the age of 19 years will be admitted to the vocational schools (day education), for qualification in wide-spectrum trades. The duration of the studies in the vocational schools with graduates of the first stage of secondary school will be 1-1.5 years, depending on the complexity of the trades. Practical instruction, organized according to classes or according to groups of pupils, will take place daily, alternating with theoretical education, or in compact periods spread over the school year. The production quotas of the pupils will be established varyingly and progressively, so that in the last term of school they achieve a productivity equal to that of the workers in the second category of employment—a category that they will obtain upon graduation from school. At the end of their studies the pupils will take the final exam, which consists of a practical project and an oral test on the technology of the trade. Those who do not pass the final exam will be assigned to production, under the conditions established by law for workers trained by means of qualification courses.

The successful application of all these measures depends greatly on the level of training of the teaching personnel and on the responsibility and devotion with which they are dedicated to their noble profession. The teaching personnel are recruited from the graduates of specialized higher or university education and that for engineers, subengineers, foremen and other specialists with experience and good results in production who exhibit a high civic and professional consciousness. We regard as extremely important for improving the specialized teaching personnel the provision that they periodically work in specialized enterprises and units, as well as the measure that specialists from production, research and planning can be assigned to education with half a quota. In this way the accent is put on the practical and applicative character of education, of the process of instruction and education of the younger generation.

The Qualitative Development of Higher Education

In higher education, beginning with the 1977-1978 university year, the list of specializations is to be improved, new educational units are to be organized, and more decisive action is to be taken to continually adapt its content to the requirements of the economy and social life.

In order to improve the training of engineers, for example, the specializations in the field of mining machinery and installations, welding equipment and technology, and electromechanics are established by means of the new list of specialties and specializations. Power has been set up as a separate specialty, in which the specializations of power, electric networks and thermoelectric power stations are included. Methods for better training in chemistry and technology for engineers in the textile and food industries have been established. In order to provide the personnel necessary to the chemical industry, in accordance with the place that this branch occupies in our economy, the National Institute of Chemistry has been founded.

In accordance with the new requirements of economic and sociocultural life, attention is being given to training the students in broad specialties, so that upon graduation they have the capacity to adapt rapidly to the changes that occur in material production, the technological processes, and social activity. This requirement, springing from the rapid rates at which the progress of science and culture is occurring, necessitated a change in specializations and departments. Thus, the departments of planning and political economy and of economic and statistical cybernetics at the Academy of Economic Studies in Bucharest are being merged into one. The specialization in the field of trade at the same institute is being expanded with disciplines specific to foreign economic relations, and knowledge of foreign trade is also being introduced into the other economic specializations.

In the field of university education, the new measures for improvement have in view the unification of the departments of philosophy and history with two specializations: philosophy-history and history-philosophy. In this way, the graduates have conditions created so that they can teach all disciplines of social sciences in general school and secondary school and, through the inclusion of sociological, psychological and pedagogic knowledge in all the training that they receive, they can concern themselves in their activity with problems specific to these fields. The formation of the psychologists and educators necessary to higher education will be achieved by means of postuniversity courses and doctoral studies.

Regarding the legal sciences, the educational program in the field of law and economic and administrative law will be supplemented with the study of administrative and economic problems and of problems of labor legislation, enterprise organization and international economic relations, so that the new graduating classes of lawyers can work competently in all these fields. For geology the training only of geologic engineers and geophysicists is planned, and in geography the dual specialization of geography-geology will be provided.

The content of the training of the future mathematicians, physicists and biologists will be improved in accordance with the functions that they are to fulfill in production and in the activity of scientific research.

In the field of foreign languages wide-spectrum training will be achieved, with the system of dual specialization being generalized. The present pedagogic institutes will be called institutes of higher learning, since sections of subengineers with a specialty and specializations in accordance with the specific character of the production in the zone will be introduced in the place of the specializations of mathematics-physics and physics-chemistry with the duration of 3 years, which will no longer be in effect starting with the 1977-1978 year.

The specialists in the field of art criticism, the methodologists for mass cultural activity, and the literary secretaries of the theaters will be recruited from the graduates of the specializations: acting, stage management, and film and television images. They will take specialization courses at the institutes of higher learning that trained them. All graduates of the conservatories will be professors of music, and those in education for the plastic arts (with the exception of those in the specialization of industrial forms, ceramics-glass-metal) will be professors of drawing, a reason why they will have a dual specialization.

Consequently, the great tasks that now stand before higher education refer mainly to its qualitative development. For that reason, our concerns have in view the improvement of its content and its scientific, technical and cultural level. On the basis of the new list of specializations that will be applied starting in the 1977-1978 university year, the students will receive, within each basic specialty, basic training together in the first 2-3 years, with the component specializations of each specialty being achieved by means of specialized disciplines corresponding to the exercise of their future profession, by means of the graduation projects or papers and by means of practical activity.

The basic problem with which the improvement of the content of higher education continues to be connected is its closer and closer integration with research and production. In the light of this goal and in view of the important potential for production and scientific and technical creation that the students and the teaching personnel represent, there are in the course of application measures that will help to achieve extra goods in the units subordinate to the economic ministries and in the units of the institutions of higher learning, to reduce the periods for building the facilities, and to supplement the work force—all these things with favorable effects on the instructive and educative process itself in the departments.

In the field of research and planning, the concerns of the teaching personnel and the students will be centered especially on the objectives in the sole national plan, for solving problems contained in priority programs like: the sole national program for energy; the program for recovery of crude oil

deposits; the program concerning the manufacture of optical glass; the utilization of the ashes from thermal power stations; and so on.

A unified, flexible and harmonious system of education, capable of providing for the proper formation of the personnel for all fields of activity and levels of qualification, will be created by means of the application of the measures initiated by the party leadership. In this way the continual concern of the party and state leadership for the good training of the work force and the social and professional integration of the younger generation will be concretized along a continuous line.

It is now necessary to mobilize all teaching personnel for a sustained and joint activity with the other educational factors--the party, children's, and youth organizations--in order to apply the established measures in the best way and to suitably prepare for the opening of the next school year.

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